



**SUSTAINABLE DEVELOPMENT
DIRECTORATE
APPENDICES
BOOK 2
Appendices: 12.2.3D – 12.2.4
ORDINARY COUNCIL MEETING**

To Be Held

**Wednesday, 27th of October 2021
Commencing at 5.00pm**

At

**Shire of Dardanup
Administration Centre Eaton
1 Council Drive - EATON**

This document is available in alternative formats such as:
~ Large Print
~ Electronic Format [disk or emailed]
Upon request.

(Appendix ORD: 12.2.3D)

SCHEDULE OF PUBLIC SUBMISSIONS

Submitter	Summary of Key Issues
A Brett	<ul style="list-style-type: none"> • Heavy vehicle traffic.
J & I Barlow	<ul style="list-style-type: none"> • Visual impact. • Noise and dust impacts. • Close proximity to the Dardanup Conservation Park. • Impact on tourism.
D & R Birch	<ul style="list-style-type: none"> • Visual impact. • Noise and dust impacts. • Operating hours.
V & A Brandstater	<ul style="list-style-type: none"> • Breaches of compliance. • Heavy vehicle traffic. • Noise and dust impacts. • Litter. • Visual impact.
K Brett	<ul style="list-style-type: none"> • Groundwater contamination. • Dust and odour impacts. • Heavy vehicle traffic.
C Goyder	<ul style="list-style-type: none"> • Visual impact. • Noise, dust and odour impacts. • Heavy vehicle traffic. • Groundwater contamination. • Impact on tourism.
A Cook	<ul style="list-style-type: none"> • Visual impact. • Heavy vehicle traffic.
A Cowen	<ul style="list-style-type: none"> • Visual impact. • Dust and odour impacts. • Impact on tourism. • Impacts on wildlife and groundwater.
J Cross	<ul style="list-style-type: none"> • Visual impact. • Operating hours. • Close proximity to the Dardanup Conservation Park. • Noise impacts.
Dardanup Environmental Action Group	<ul style="list-style-type: none"> • Development not consistent with the planning framework. • Should be classed as a noxious or hazardous industry. • Visual impact. • Fire risk. • Breaches of compliance. • Inadequate rehabilitation in timely manner. • Groundwater contamination. • Impacts on tourism. • Operating hours. • Noise, dust and odour impacts. • Close proximity to the Dardanup Conservation Park. • Heavy vehicle traffic. • Environmental impact.
R & D Dean	<ul style="list-style-type: none"> • Heavy vehicle traffic. • Impacts on tourism.

(Appendix ORD: 12.2.3D)

	<ul style="list-style-type: none"> • Environmental impact.
N Dobias	<ul style="list-style-type: none"> • Groundwater contamination. • Impacts on tourism.
W Elliott	<ul style="list-style-type: none"> • Development not consistent with the planning framework. • Impacts on tourism. • Groundwater contamination. • Environmental impact.
Ferguson Valley Marketing Inc.	<ul style="list-style-type: none"> • Impacts on tourism. • Visual impact.
R Ferguson	<ul style="list-style-type: none"> • Visual impact. • Impacts on tourism.
P Floate	<ul style="list-style-type: none"> • Visual impact. • Heavy vehicle traffic. • Impacts on wildlife. • Noise, dust and odour impacts. • Environmental impact. • Impacts on tourism.
H Frame	<ul style="list-style-type: none"> • Visual impact. • Dust and odour impacts.
J Gibbs	<ul style="list-style-type: none"> • Visual impact. • Impacts on tourism. • Close proximity to the Dardanup Conservation Park. • Inadequate rehabilitation in timely manner.
P Giumelli	<ul style="list-style-type: none"> • Visual impact. • Impacts on tourism. • Groundwater contamination. • Heavy vehicle traffic. • Noise and dust impacts. • Fire risk.
Glen McLeod Legal	<ul style="list-style-type: none"> • Development not consistent with the planning framework. • Should be classed as a noxious or hazardous industry. • Visual impact.
K Goyder	<ul style="list-style-type: none"> • Visual impact. • Noise, dust and odour impacts. • Heavy vehicle traffic. • Groundwater contamination. • Impact on tourism.
H Elliottsmith	<ul style="list-style-type: none"> • Groundwater contamination. • Environmental impact. • Impacts on tourism. • Visual impact.
Hackersley Estate Winery	<ul style="list-style-type: none"> • Impacts on tourism. • Environmental impact. • Breaches of compliance.
M & J Hewson	<ul style="list-style-type: none"> • Visual impact. • Environmental impact. • Groundwater contamination. • Impacts on wildlife. • Close proximity to the Dardanup Conservation Park.

(Appendix ORD: 12.2.3D)

J Hilder	<ul style="list-style-type: none">• Impacts on tourism.• Heavy vehicle traffic.• Noise and dust impacts.• Litter.• Visual impact.
W Hughes	<ul style="list-style-type: none">• Heavy vehicle traffic.• Groundwater contamination.
S Hynes	<ul style="list-style-type: none">• Odour impacts.• Heavy vehicle traffic.• Visual amenity.
D Italiano	<ul style="list-style-type: none">• Groundwater contamination.• Visual impact.• Impacts on tourism.• Close proximity to the Dardanup Conservation Park.• Heavy vehicle traffic.• Dust and odour impacts.
J & P Goyder	<ul style="list-style-type: none">• Visual impact.• Dust impacts.• Fire risk.• Vegetation clearing.
M Goyder	<ul style="list-style-type: none">• Visual impact.• Noise, dust and odour impacts.• Heavy vehicle traffic.• Groundwater contamination.• Impact on tourism.
K Williams	<ul style="list-style-type: none">• Environmental impact.• Visual impacts.• Impacts on tourism.• Fire risk.• Heavy vehicle traffic.
K Keefe	<ul style="list-style-type: none">• Impacts on tourism.• Visual impact.• Environmental impact.• Heavy vehicle traffic.
S McDonald	<ul style="list-style-type: none">• Impacts on tourism.• Environmental impact.• Noise and dust impacts.• Heavy vehicle traffic.
A Meney & J Flockton	<ul style="list-style-type: none">• Environmental impact.• Visual impact.• Impacts on tourism.
SC & C Miller	<ul style="list-style-type: none">• Visual impact.• Heavy vehicle traffic.• Noise impacts.• Litter.• Close proximity to the Dardanup Conservation Park.
D Morgan	<ul style="list-style-type: none">• Impacts on tourism.• Visual impact.• Environmental impact.

(Appendix ORD: 12.2.3D)

F Moriarty	<ul style="list-style-type: none"> • Environmental impact. • Groundwater contamination. • Visual impact. • Fire risk. • Noise and dust impacts. • Breaches of compliance.
B & D Nuske	<ul style="list-style-type: none"> • Visual impact. • Impacts on tourism. • Noise and dust impacts. • Heavy vehicle traffic.
S Goyder	<ul style="list-style-type: none"> • Visual impact. • Noise, dust and odour impacts. • Heavy vehicle traffic. • Groundwater contamination. • Impact on tourism.
S, T & J Gibbs	<ul style="list-style-type: none"> • Visual impact. • Impacts on tourism. • Close proximity to the Dardanup Conservation Park. • Inadequate rehabilitation in timely manner.
R & G Saunders	<ul style="list-style-type: none"> • Visual impact. • Noise, dust and odour impacts. • Heavy vehicle traffic. • Groundwater contamination. • Impacts on tourism.
R Sheridan	<ul style="list-style-type: none"> • Noise impacts. • Groundwater contamination. • Fire risk. • Visual impact. • Impacts on tourism.
L Shine	<ul style="list-style-type: none"> • Development not consistent with the planning framework. • Noise and dust impacts. • Litter. • Visual impact. • Fire risk.
R Slater	<ul style="list-style-type: none"> • Environmental impact. • Groundwater contamination. • Impacts on tourism.
R & F Stacey	<ul style="list-style-type: none"> • Dust impacts. • Fire risk. • Breaches of compliance.
T Rance	<ul style="list-style-type: none"> • Visual impact. • Impacts on tourism.
F & M Toft	<ul style="list-style-type: none"> • Visual impact. • Environmental impact. • Groundwater contamination.
J Tootill	<ul style="list-style-type: none"> • Groundwater contamination. • Dust and odour impacts. • Fire risk.

(Appendix ORD: 12.2.3D)

Wellington Mills Community Association Inc	<ul style="list-style-type: none">• Environmental impact.• Visual impact.• Impacts on tourism.• Breaches of compliance.
K & S Wesley	<ul style="list-style-type: none">• Environmental impact.• Groundwater contamination.• Impacts on tourism.• Visual impact.• Heavy vehicle traffic.• Breaches of compliance.
A White	<ul style="list-style-type: none">• Environmental impact.• Visual impact.• Litter.• Noise impacts.• Impacts on tourism.
C Wood & T Roelofsen	<ul style="list-style-type: none">• Visual impact.• Noise, dust and odour impacts.• Heavy vehicle traffic.
R Yuill	<ul style="list-style-type: none">• Environmental impact.• Visual impact.• Odour impacts.• Heavy vehicle traffic.• Impacts on tourism.

(Appendix ORD: 12.2.3D)

From: ambrett@westnet.com.au
To: [Submissions Planning](#)
Subject: Cleanaway DAP Application
Date: Wednesday, 22 September 2021 1:53:58 PM
Importance: High

To whom it may concern,

I would like to submit that our family oppose the current submission from Cleanaway for expansion. We live on Ferguson road, and have a continual stream of Cleanaway trucks on our road already! I fear for the safety of my children, when they are waiting for the school bus, getting to and from the school bus stop and riding their bikes on the road! This is especially unsafe for them between Depiazzi & Waterloo roads, with the trucks very often on this stretch of the road, and this area contains the kids bus stop!

In regards to the 3.2.4 Traffic: I don't believe that there will be not be more trucks on the road, due to this being replacement cells. I have been up many a nights (with unwell children) and have seen trucks going to and from the site at 12am, 1.30am, 3am etc. I have attempted to take phone video of the trucks, but due to being too dark & not being able to get to end of driveway because of sick kids, I have not been able to video it!

We own land in the area, & feel that Cleanaway activities are impacting the value of our lively hood! We have been on this land for 100 years.

We have a successful family owned business running on the land & that is very important to us!

Kind regards

Angela Brett

(Appendix ORD: 12.2.3D)

SUBMISSION RE CLEANAWAY'S DAP APPLICATION FOR EXPANSION OF BANKSIA ROAD LANDFILL FACILITY

INTRODUCTION

We have lived in Ferguson Valley for 35 years and chose to live here because of its peace, beauty, safety and community spirit. We also have family who live in the Dardanup Townsite. We believe Cleanaway's Dump threatens the quality of life of our entire family.

The following is our submission opposing Cleanaway's Development Assessment Panel application to expand their Landfill Facility at Lot 2 Banksia Road by adding 3 new waste cells which will, inter alia, increase the height of the Dump from its current height of 114 AHD to 151 AHD (includes capping).

These cells will be constructed, filled and re-habilitated over a period of 7 years. It is obvious that Cleanaway intend to utilise this site for many decades after this. The DAPA states that final capping will take place in 2051.

This facility started as a modest one in 1999 and now is one of the largest toxic waste dumps in Western Australia. We are sure that if it had been correctly planned and monitored from the outset, we would not be in the current perilous predicament.

COMMUNITY ENGAGEMENT

Cleanaway contend that they have an active communication programme operating mainly through the Community Reference Group. They only play lip-service to this activity for public relations and propaganda purposes.

I have attended 2 "information sharing" meetings which were not very informative due to the amount of information their Management would not share.

The vast majority of the population of Dardanup and the Ferguson Valley oppose the operation of the Dump as evidenced by the number of signatories on recent petitions, large attendances at protest rallies and events and the ubiquitous "Dump the Dump" signs on residents' properties.

Cleanaway have achieved pariah status within the Community by their actions and inactions.

Cleanaway's vast lobbying, public relations and legal resources make it a very unequal contest with the Community in seeking redress from the State Government to correct planning errors made in the past and changes current operating practices.

FERGUSON VALLEY

Ferguson Valley's tourism related enterprises depend on its peaceful, clean and green environment.

Growth in tourism is heavily promoted by the State and Local Government.

Expansion of the Dump is clearly incompatible with this endeavour.

(Appendix ORD: 12.2.3D)

SITE LOCATION

The DAPA attempts to establish an equivalence with the neighbouring Depiazzi's operation to justify the non-complying use as a waste disposal facility.

They cannot be more different. One takes waste products of the local timber processing industry and turns them into a useful, much needed horticultural product, the other (Cleanaway) dumps toxic and radio-active waste into the ground just above 3 aquifers that supply the region with its drinking water.

The DAPA contends that its current waste processing use is compatible with its rural neighbours.

This is patently untrue. Its use is more akin to Mining and should be transferred to a location more suitable.

The historic townsite of Dardanup with its 2 primary schools is located 3.8 km from the Dump. There are several residential developments planned for the area surrounding Dardanup and it will become increasing more urban.

It is downwind during the prevailing easterly winds in Summer with the potential to again coat the area with dust and odour.

This is insane and cannot be allowed to continue.

OPERATING LEVELS

The DAPA is based on the assumptions that the input volumes and type of waste stored will remain at current levels and current operating practices do not need to change for the proposed expansion.

Unless drastic action is taken, this will be a very unlikely scenario. As other landfill facilities reach capacity and close, and Cleanaway continue to seek additional business in volume and classes of waste, input into this site will continue to rise at the current trend.

Given the many failures of current operating procedures reported for this facility, they are not adequate and the risk from hazards such as pollution of the aquifers, noise, dust, stormwater, bushfires etc. will also increase with increasing volumes.

All Operating Plans supporting the DAPA must be updated to account for the increased level of activity.

DESIGN

The DAPA states "Proposed cells have been designed in accordance with the EPA Victoria, Best Practice Environment Management guidelines for Siting, Design, Operation and Rehabilitation of Landfill, August 2016 landfill development guidelines."

This is not correct as these guidelines preclude landfill sites from being developed over potable groundwater and within 100 metres of a fault line. Mount Rubbishmore is situated over 3 aquifers used to supply drinking water to the region and over the Darling fault line. Recent media reports state that there is increased seismic activity in Southwest WA.

(Appendix ORD: 12.2.3D)

VISUAL AMENITY

The DAPA proposes an increase in the maximum height of the current site, Mount Rubbishmore, from 114 to 151 metres AHD.

The visual impact of its ever-rising height is a beige blot on the otherwise current beautiful green, rural and natural landscape.

It has become the unfortunate de facto Entry Statement for the Ferguson Valley.

Ferguson Valley, which is a major WA tourist destination. This blight on the landscape is negative to its peaceful, clean and green image and a threat to the livelihoods of the tourism operators, most of which are small family enterprises.

The EPCAD report (App F of the DAPA) concludes “Existing works at the subject site are discrete. The surrounding vegetation and landforms combine to restrict views. These works do not currently adversely impact the broader landscape character. “

This is patently not true. Anyone entering the Ferguson Valley by foot, bike, horse or vehicle is immediately confronted by this awful sight.

The EPCAT report goes on to state “In the long term, the proposed top of cell height, 149 AHD (including capping) will form a slightly higher skyline from some views. This will be observed as an integral part of the rural landscape.”

The maximum height including capping is 151 AHD and will dominate the landscape.

The doctored photo images purporting to show the affect of finished mountain are disingenuous as they borrow the colours from the surrounding current vegetation. The proposed plantings will give a contrasting colour. During the decades of proposed expansion, the overburden will remain visible and show a beige capping above the plantings. This will be very visible from the major tourist routes.

EPCAT will probably have the technology to produce 3D depictions of the stages of the growth of the Dump or prepare physical models of the Dump in the surrounding landscape. These will be much more useful for assessment the impact of the rising Dump.

We can only guess why better representations of the visual impact of the rising Dump have not been included in the DAPA.

NOISE

The DAPA states that “Assessment of the current operations and the inclusion of anticipated construction noise emissions for the Cleanaway Waste Transfer Facility shows that compliance with the criteria stipulated in the Environmental Protection (Noise) Regulations 1997, is achieved at all times.”

This is not true. I was close to the site last week and the noise from reversing alarms was disturbing to me and must be driving adjacent residents mad. Either the testing or the EPA regulations are inadequate.

As the height of the Dump increases, the noise will be projected further afield but there are no studies included in the DAPA to assess the effect of this.

DUST

There has been a continual problem with dust emissions from the Dump. There have been many recorded events of serious dust contamination reported to DWER with no feedback to the complainants or evidence of improved operating practices.

(Appendix ORD: 12.2.3D)

THE DARDANUP CONSERVATION PARK

The Dardanup Conservation Park abuts the Dump on its Eastern and Southern boundaries with no buffer zones. Many threatened species of flora and fauna are resident in this park. The fauna is predated upon by feral foxes and cats sustained by the Dump and the flora is at risk from stormwater, litter and dust generated by the Dump.

Clearly siting a toxic facility next to such a sensitive ecological enclave is the height of stupidity. We cannot move the Park, so we must move the Dump.

INDEPENDENT AUDIT IS REQUIRED

The consultants whose reports are included in the DAPA are clients of Cleanaway and probably intend to be clients in the future. They may be professional, but they are not independent. An audit of these reports should be conducted by truly independent experts.

CONCLUSION

This facility and its attendant high volume of heavy truck traffic adversely affects the health, amenity, safety, and quality of life of Dardanup and Ferguson Valley residents.

Continued use and expansion of it will exacerbate current problems.

The need to counter the recalcitrant behaviour of the operator has diverted the Shire's finite resources from projects more important to the welfare of residents.

Cleanaway's landfill facility contributes minimum economic benefit to the Shire but causes a huge amount of angst to the population of Dardanup and Ferguson Valley. This is evidenced by the tremendous support received for the many petitions, demonstrations and "Dump the Dump" poster campaigns.

We strongly oppose any further expansion of this facility and support plans for its winding down and the eventual removal of this malignant growth on our patch of paradise.

Joy and Ian Barlow

(Appendix ORD: 12.2.3D)

RE: NOTICE OF DEVELOPMENT ASSESSMENT PANEL APPLICATION FOR WASTE CELLS 9, 10 AND 12A AT THE CLEANAWAY LANDFILL FACILITY AT LOT 2 BANKSIA ROAD, CROOKED BROOK

As nearest neighbours, we have opposed development on this property from the start of the and continue to do so because we firmly believe it is the wrong site for this type of land use.

Many of our objections have been proven to be justified as despite the various operating conditions being put in place by the EPA, DWER and the Dardanup shire some conditions have never been able to be controlled because of the siting of the development.

Good planning is surely about complimenting and enhancing current zoning conditions, not degrading the area. This development has caused nothing but stress and significant mental anguish to us over the years not to mention the devaluation of the reputation of the district and significant monetary devaluation of our properties.

Of particular concern of the application is the unwillingness by the applicant to negotiate conditions with the Council representing local residents by rejecting the proposed Shire's Master plan and combining future plans to enable taking it directly to the DAP. This shows the complete contempt that the applicant has shown to nearby residents and licensing authorities.

We fully support the Dardanup Environmental Action Groups submissions and wish this submission to be read in conjunction to the areas of objections raised in those submissions.

Of particular of concern with the development to us are:

1. **Noise.** The supporting documentation is flawed as the monitoring was done during periods that were not typical of the operations and not at times of the year when the most noise is heard. No consideration is given if crushing and screening were to be allowed to take place on site. No modelling has been provided allowing for the extra travel of the noise to near neighbours as the height of the development increases.
2. **Dust** On a site so vulnerable site to high winds the dust plan is unmanageable with no hard triggers in place for dust control, leaving it up to the site managers discretion. No monitoring of the contents of the dust particles have been submitted, This is of particular concern considering the different types of waste being accepted at the site.
3. **Visual.** Part of good planning is minimising the visual impact that any development has on it's surrounds. This surely must rule out the additional height the application calls for As pointed out in many submissions in the past, this development is a visual eyesore and has a significant negative impact on the area. The notion that the proponent suggests, that it has little visual impact, is ridiculous and deliberately misleading.
4. **Operational Hours.** The extra hours have been rejected in nearly every submission made to increase them because of the impact that it would have on the nearby residents and residents on the rural roads that are used as trucking routes. These must not be allowed to increase because of the impact that it would have.

David & Raelene Birch

268 Banksia Road

Crooked Brook

0458341206

(Appendix ORD: 12.2.3D)

From: [Val](#)
To: [Submissions Planning](#)
Cc: [DEAG Inc](#)
Subject: Cleanaway Proposal to Development Assessment Panel
Date: Monday, 20 September 2021 12:08:29 PM

CEO of Dardanup Shire;
Mr. Andre Schonfeldt.

We would like to submit a submission on the above matter.

The Cleanaway Solid Waste landfill site is visible from our property and we have watched it grow in size over the years.

It has caused us great concern and we have joined the Dardanup community in the fight to save our small town and the regional landowners by focusing on each proposal and amendment for the landfill site.

There have been constant breaches to compliance at the site and there has been a large constant increase in truck traffic coming and going from the Landfill site. Peoples daily pattern has been affected by this.

Peoples health are affected by this .Stress and anxiety is a felt by many.

I know that families with school children are affected with the Safety concerns along the route for both School buses and themselves taking children to school. Farm tractors , general public and tourists in this Tourist precinct have all encountered the Truck traffic dilemma .

Many events in the area are affected by this . eg. Cycling clubs , Car clubs , Winery events , Art Spectacular and Dardanup Bull and Barrel festival.

The proposal by Cleanaway is far from accurate .

The issue of added height to the existing License should most definitely not be allowed.

Cleanaway has constant trouble with dust , airborne litter , air pollution ,visual pollution, containment of Storm water and Fire risk.

Increase the height and you instantly increase all these issues.

Recently Cleanaway admitted to illegally stockpiling material on the adjoining Lot 81, as they were refiguring hall roads and cells. This stockpiling is evident that Lot 2 cannot grow much further and accommodate another 3 new cells .

The plan to store material atop of the landfill at its peak sounds incredibly dangerous and unworkable even for a short amount of time , let alone years.

The Masterplan that Cleanaway submitted to Shire only last year had many faults with uncompleted studies.

DWER and EPA have not scrutinised the changes and amendment to License that have been made leading up to this point which is disappointing.

The full review of License which is still underway by EPA will give some comfort that now this company will comply to License rules and regulations..

The Shire are aware of the Dardanup and Ferguson Valley ratepayers despair in trying to save their town and neighbourhood from becoming a huge stockpile of Waste seen for kilometres and living with the Fear of contaminated Air , Land and Water.

We do not feel that Cleanaway Solid Waste can continue to grow and expand at this site.

We ask the Shire to do all in its power to STOP expansion of the landfill site in Banksia Road, Dardanup.

Cleanaway are a huge company and we are sure that another more suitable site can be found with the help of State Government.

We appreciate the opportunity to give our submission.

Valerie and Andrew Brandstater .

(Appendix ORD: 12.2.3D)

188 Ferguson Road . Dardanup 6236.

Sent from [Mail](#) for Windows

(Appendix ORD: 12.2.3D)

From: [Kaye Brett](#)
To: [Submissions Planning](#)
Subject: Cleanaway Massive expansion of Landfill at Banksia Road
Date: Tuesday, 21 September 2021 5:46:58 PM

SUBMISSION: OPPOSITION TO CLEANAWAY EXPANSION BANKSIA ROAD

We are extremely concerned as our property is only 3 kilometres north of the site. The contamination of groundwater is of great concern as our Dairy farming business is reliant on this supply of water from the Leederville Aquifer.

Also the proximity of this site to our property also causes ongoing concerns with regard to the dust and odours that emanate from the landfill.

Since the inception of this site there has been a huge increase in traffic that passes by our property. Our residence, which is approximately 30 metres from Ferguson Road and 200 metres from Waterloo Road is greatly impacted by the movement of the trucks that travel these roads every day.

Terry and Kaye Brett
253 Ferguson Road
Dardanup

Sent from my iPad

(Appendix ORD: 12.2.3D)

From: [christian.goyder](#)
To: [Submissions Planning](#)
Subject: Clean away landfill development application September 2021
Date: Thursday, 23 September 2021 3:49:29 PM

CAUTION: This email originated from outside the Shire of Dardanup.

Do NOT click links or open attachments unless you recognize the sender and know the content is safe. Do NOT enter any username or passwords and report any suspicious content.

I am 11 years old and attend Our Lady of Lourdes in Dardanup and am writing to **Strongly OPPOSE** the Cleanaway Development Application at Lot [2 Banksia Road](#) Dardanup.

I can clearly see the Tip site from our house which is a scar on the landscape/ region and is very concerning for me and all of my friends at our school.

A number of reasons to **REJECT this Application;**

The Cleanaway Facility is already;

A **visual disgrace** to the region which can be easily seen from the Ferguson Road, Waterloo Road, South Western Highway, Boyanup Picton Road and City of Bunbury and already is higher than the natural ridge landscape and seriously concerns myself and many others that they have approval even to the current height. I have always been aware that a facility such as this should have a significant 'Buffer Zone' to reduce the environmental impacts on the local community, this is severely lacking!

Dust Pollution; Is very that a dust problem already exists and will only be worsened by any extension to overall height and extensions to the existing facility.

Odour Pollution; A significant level of unpleasant odours are evident from the existing facility especially when south easterly winds are occurring which expel across the local area including the townsite of Dardanup.

Noise Pollution; Noise, Odour and Visual pollution are already having significant impacts on the local and visiting community, what will be the increased impacts from the Expansion Application, these need to be outlined and failing to investigate is further reason for this to be rejected.

Trucking Congestion; With 2 Primary Schools within less than 10kms from the site, the considerable increase in trucking is purely evident on a daily basis, I have personally witnessed other kids walking/ cycling on nearby roads and being close to run over by the large scale and frequency of trucks from all over the state to the existing facility. I also had a very close call with a Cleanaway truck which made my friend fall off his bike.

Groundwater/ Local Waterway runoff; We have personally viewed water runoff from the site which fills into local waterways including the Crooked Brook and is a serious concern during heavy rainfall periods. Why do we have 'Hazardous Waste Facility' sitting above some of the states pristine Water Aquifers. Where are our EPA and Shire Planning Departments to even consider this initial planning application let alone approve an extension application. An initial planning mistake was obviously made with the initial planning process regarding the location of this facility and needs to be rectified before further community and environmental impacts escalate.

Agricultural/ Residential/ Tourism Region; Why do we have such a heavily impacting facility right in the middle of some of the most pristine Dairy/ Beef and Viticultural Land within the state or even country. Surely our planning departments/ Shire of Dardanup have learnt from previous planning mistakes and will reject the current application and even look to relocate the entire facility.

A large number of visitors from Perth and interstate are drawn to the pristine 'Ferguson Valley Tourism' precinct. Nearly every visitor we speak to ask us "What is that eyesore?" on the hill and when we explain that it is a substantial Waste Facility they are shocked and dumfounded that a

(Appendix ORD: 12.2.3D)

facility such as that is within the significant agricultural/ Tourism area and even more dumbfounded that it sits above significant Water Aquifers and Water courses.

It is now time for the **Shire of Dardanup to stand up and represent the children in the region who want to have a great place to live now and in the future, this Tip should be relocated to a designated Industrial area and away from our valuable agricultural region and water resources.**

Please STRONGLY REJECT this current Development Application.

Christian Goyder, 11 years old

[143 Ferguson Road](#), Dardanup.

Sent from my iPad

(Appendix ORD: 12.2.3D)

From: [Amanda Cook](#)
To: [Submissions Planning](#)
Subject: Cleanaway application.
Date: Monday, 20 September 2021 7:34:51 PM

I am writing to express my opposition to the application by Cleanaway to expand the Dardanup landfill site. I pass through Dardanup on my way to work, the ever growing mountain of waste is an eyesore and I dread to imagine how this blot on the landscape will eventually look if Cleanaway get their way. Thoughts return to the rubbish dump in Kwinana which got caught up in the fire last year, I hear it is still smouldering? not forgetting the health warnings issued during the fire due to toxic smoke!

Another thing which concerns me is the increasing traffic, already on a daily basis I encounter trucks exiting Waterloo Rd heading to the tip. Ferguson Road through Dardanup is sinking along the tyre tracks, its us ratepayers who will eventually foot that bill, the big companies dumping waste from Perth and the South West I doubt will give one hoot. If this proposal is granted the people condoning it should be ashamed.

Cook

Ferguson valley (explore the beauty)?

20/09/21

(Appendix ORD: 12.2.3D)

10 Rosevale Cl

Dardanup. 6236

10/10/21

To Whom It May Concern

I moved to Dardanup just under 2 years ago to enjoy my retirement in a quiet country town. Nobody told me that Dardanup was a dump site for domestic and industrial waste from Perth and all over the South West, or I wouldn't have moved here! Now Cleanaway has proposed greatly increasing the size of its Dardanup dump site, including a massive increase in height which will make the rubbish the most prominent Dardanup landmark!

Already, there is a huge issue with smell, flies and dust from the existing site. An increase in the size of the site will make living in nearby residences untenable and I have no doubt that housing prices will fall and local businesses will be adversely affected. Dardanup is located in the tourist region of the Ferguson Valley, but how many tourists will want to travel past a dump site? In addition, the constant flow of Cleanaway trucks spoils the tourist drive, causes problems for other road users and creates a noise pollution that is not in keeping with this beautiful area.

My biggest concerns, however, are for the area's wildlife and water supply. The existing site abuts a conservation area abundant with wildlife, which has to endure the continual noise from bulldozers and trucks from the early hours of the morning, along with the dust and litter! Further, the dump is located near the 3 aquifers that supply the regions water source. Given that the site receives radioactive waste from Tronox Refinery, there is the potential for water contamination.

I urge an immediate review of Cleanaway's operations in Dardanup. I believe that the expansion of the dump site should be vetoed, and a plan put in place to close the existing site.

Regards

Ann Cowen

0429706277

(Appendix ORD: 12.2.3D)

Mr André Schönfeldt

CEO

Shire of Dardanup

Dear Andre,

please find my submission below relating to JDAP for Waste Cells 9,10 and 12A at the Cleanaway Landfill facility at Lot 2 Banksia Rd, Dardanup

- Landfill Height –The proposal by Cleanaway of a maximum height of 151 ADH which applies to Cells 9 and 10 will have a detrimental effect on the amenity of the Dardanup community as the Cleanaway landfill site will be easily viewed from the town and surrounding areas and the tourist drive along Henty Rd. This increase in height as proposed by Cleanaway will have a detrimental effect on the amenity of the people who reside in the Dardanup townsite as residents will be viewing a huge landfill site instead of the treed views of the darling scarp. The proposed height will have a detrimental effect on the tourism businesses in Ferguson Valley as visitors will see a highly visible landfill sited within the bucolic hills of Ferguson Valley. The clean and green values of Ferguson Valley and the agricultural pursuits surrounding the Cleanaway site will no longer be credible as landfill sites are synonymous with dust, litter and potential ground and surface water contamination. The highest natural land height is 140 ADH and this is 1 km from Lot 2 in an easterly direction so the landfill height proposed is another 11 metres higher than the highest point in the landscape.

Contained in the Harley Dykstra report is says that the existing works on site are discrete. As the operations are easily viewed from the Dardanup townsite, along Ferguson, Crooked Brook Rd, Waterloo Rd and surrounding areas im not sure how it can be stated that the operation is discrete. Far from it. Surrounding vegetation does not combine to restrict the view of the site as stated in the Harley Dykstra report as there is no surrounding vegetation and the works do adversely impact the broader landscape as they are so foreign in context to everything else in the landscape. It is a rural area with rolling vegetated hills and a huge operation with such a large footprint as we view does not sit neatly in this rural landscape and never will.

The Harley Dykstra report says the 151 AHD height will form a slightly higher skyline from some views. Currently the landfill height is around 114AHD and already the view from anywhere to the east, north and south shows the landfill height above the existing treeline and a further increase of 37AHD will put the height well above the treeline and any neighbouring landscape. The EPCAD report within the Harley Dykstra report concludes that ‘the filling and completion of the waste cells will have limited and manageable impacts on the visual amenity of the public realm around the waste disposal site. The grassland rehabilitation will form an open paddock similar in

(Appendix ORD: 12.2.3D)

character to many areas of the contextual rural landscape.’ This couldn’t be any further from reality if it tried. The visual impacts of these cells at 151AHD will have a detrimental effect on the surrounding landscape as they will not sit naturally within the landscape and continue to be very visible for many years. The Shires LDP approved 114 ADH for this operation at Lot 2 must remain.

- Hours of operation – Currently Lot 2 is approved to operate from 6am – 6pm as stated in the consultant report. 6am is too early to commence operations particularly as this involves noise created by earthmoving machines. This is a rural area and people who live in a rural area expect an area that is free from a noisy commercial operation. We have lived at our property for 33 years and the constant noise from this site starting at 6am every morning has a detrimental affect on our lives. We consider during weekdays the operation for these new cells shouldn’t commence operation until 7am on weekdays and Saturday and 9am on Sundays. Considering this is a rural area and close to the tourism precinct of Ferguson Valley these hours are more appropriate to ensure the noise emanating from this site isn’t affecting the amenity of this area.
- Proximity to the Dardanup Conservation Park- there is only a 20m setback allowed for in the Harley Dykstra report. Considering the Conservation Park contains threatened flora and fauna the setback should be at least 50m to preserve the threatened flora and fauna from litter, noise and dust emanating for the Cleanaway site.
- Errors contained in the Harley Dykstra report
My home at 513 Crooked Brook Rd, Crooked Brook is just as close to the proposed cells 9 and 10 as Dave and Raelene Birchs home and they are considered the closest sensitive receptor in the Herring Storer Noise assessment. No noise analysis by Herring Storer has been conducted at my home even though DWER have conducted noise monitoring as a result of numerous complaints from me about the level of noise from earthmoving machinery operating from 6am 7 days per week at the Cleanaway Landfill site. This report by Herring Storer is not accurate as no noise monitoring has been conducted at our home. I live in a different direction to that of the Birchs from the Cleanaway site so we don’t know that the noise we experience may be more excessive than the Birchs experience. For the Herring Storer Noise Assessment to be credible noise assessments need to be carried out at my home.

Harley Dykstras report claims that Dardanup townsite is 3.8 kms from the Cleanaway landfill site however the site is only 3.0kms to the closest house in the Dardanup townsite.

Harley Dykstras report claims that TJ Depiazis are conducting a similar waste disposal and processing operation to the Landfill site so it can be argued that this landuse is being already conducted in this area. Depiazis process soil mixes and there isn’t any waste disposal involved in this operation so how can it be claimed that Depiazis is a similar operation to that conducted at Lot 2 Banksia Rd. Lot 4580 Panizza Rd may have planning approval for waste disposal but no works approval from DWER so until that happens there can be no waste processing on this site. Therefore when you consider operations at the neighbouring sites to Lot 2 Banksia Rd

(Appendix ORD: 12.2.3D)

there is no waste disposal operations in the local context and the operation at Lot 2 Banksia Rd has no relevance to any local context.

Kind regards

Jill Cross

513 Crooked Brook Rd

Dardanup 6236

23 September 2021



(Appendix ORD: 12.2.3D)

Dardanup Environmental Action Group Inc.

deaginc@gmail.com P.O. Box 205 Dardanup WA 6236

**DEVELOPMENT ASSESSMENT PANEL
APPLICATION FOR WASTE CELLS 9, 10 AND 12A
AT THE CLEANAWAY LANDFILL FACILITY AT LOT
2 BANKSIA ROAD, CROOKED BROOK**



**SUBMISSION TO THE CHIEF EXECUTIVE OFFICER,
SHIRE OF DARDANUP**

FROM

**THE DARDANUP ENVIRONMENTAL ACTION
GROUP**

TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
1. INTRODUCTION	5
2. PLANNING CONSIDERATIONS	6
2.1 State Rural Planning Policy 2.5 2016	6
2.2 Shire of Dardanup Local Planning Scheme 3 (LPS3)	6
2.3 Local Development Plan Lot 2 Banksia Rd	6
2.3 Other relevant regulation and policies	11
2.4 Visual Amenity	13
2.4.1 Impact on the Vistas from the Scarp.	14
2.4.2 Stockpiled Soil	14
2.4.3 Impacts to Visual Amenity	15
2.4.4 Visual Modelling	15
2.5 Planning And Licence Review	16
2.6 Cumulative Planning Assessment	17
2.7 Cleanaway's Environmental Management Plan	17
2.8 Victorian EPA Siting, Design Operation and Rehabilitation	18
2.9 Fire Risk	18
3. ENVIRONMENTAL MANAGEMENT	19
3.1 Hours of Operation	19
3.2 Stormwater	19
3.3 Groundwater	19
3.4 Traffic	20
3.5 Dust Management	20
3.6 Odour	21
3.7 Noise	21
3.8 Vegetation	21
3.8.1 The Dardanup Conservation Park	21
3.9 Leachate	22
3.10 Rehabilitation	22
4. SOCIAL AND ECONOMIC IMPACTS	24
4.1 Branding - Reputational impacts to Branding of Ferguson Valley and Dardanup	24
4.2 Tourism Area and Other Businesses	25
4.3 Impact on Social Asset and amenity in the Surrounding Area	25
5. NOXIOUS OR HAZARDOUS INDUSTRIES/WASTE	26
5.1 Category 61 Liquid Waste – a noxious and hazardous waste	26
5.2 Management of Industrial Wastes	26
6. CLIMATE CHANGE - CONSIDERATION AND PLANNING	27
7. CONCLUSIONS	28
8. KEY DOCUMENTS AND REFERENCES	29
APPENDIX	30
HISTORY OF THE SITE	30

EXECUTIVE SUMMARY

The following submission from the Dardanup Environmental Action Group (DEAG) details the issues inherent in the Development Assessment Panel *Application for Waste Cells 9, 10 and 12a at The Cleanaway Landfill Facility at Lot 2 Banksia Road, Crooked Brook* and outlines why the development should not be allowed to proceed.

There is strong opposition within the Dardanup Community to the ongoing operation and expansion of the Landfill facility by the Dardanup Community which been clearly demonstrated by ongoing actions including;

- numerous submissions to EPA, DWER, and Planning Authorities.
- Petitions to WA's Legislative Council
- prolonged opposition at community consultation meetings, and
- A series of protests and "go slow" events.

The primary and dominant land use in the surrounding area is agriculture and tourism, supporting grazing, dairy, a range of other intensive agricultural pursuits, wineries, tourism facilities, festivals and accommodation. There are currently no other noxious or hazardous industries are in the locale.

DEAG having carefully reviewed legislation and policy that relate to areas of this nature and have contend that the proposed development is not consistent with the objectives of *Shire of Dardanup Town Planning Scheme No.3 (TPS3), State Planning Policy 2.5 and LDP for Lot 2 Banksia Rd.*

We also contend that the operation should correctly be classified as industry - noxious or hazardous.

We maintain that Cleanaway's facility is **inappropriately sited and a planning anomaly** and the planning Application be refused.

Under these instruments the site is zoned 'Rural' or 'general farming'. There is no listing for Waste Facility in these zones. The site does not meet the definition for industry in a rural zone but does meet the definition of industry – noxious and hazardous. As such the site puts at risk rural landscapes, water resource assets, highly productive and irrigated farmland and tourism businesses.

A number of specific issues were identified which support our preceding assessment including;

- 1) The site does not comply with requirements for visual amenity in these instruments with regard to landscape retention and key viewsapes. The Development Application has failed to adequately and accurately address the final height of the mound and the resultant local visual impact, or the impact on the vistas from higher elevations and tourist.
- 2) Fire Risk - For most of its twenty-year life the site has experienced almost yearly tip fires. The documents suggest that Cleanaway's fire management is related to protecting the site from bushfires and does address the causes of and OH&S issues of the regular tip fires.
- 3) We assert that the site should be classed as a noxious and hazardous industry which requires isolation from adjacent land uses due to off-site impacts. The putrescible waste site (Cat 64) is intrinsically linked to storage of waste from Tronox Kemerton Titanium Dioxide Processing Plant (Cat 61) which contains Technically Enhanced Naturally Occurring Radioactive Material (TENORM). Whilst the putrescible waste may not be noxious and hazardous the Titanium refinery waste certainly is requiring the site to be classed as such.
- 4) As stipulated in SPP 2.5, Planners are required consider Environmental Factors. Cleanaway have a demonstrated history of being unable to manage environmental issues with Freedom of Information applications exposing over 130 complaints between 2014 and 2020 for emissions, dust, noise, smoke, air quality, and stormwater run-off from the site.
- 5) The rehabilitation plan is confusing and difficult to follow. There is no description of the overall sequence. DEAG are concerned that the height, slope (1:3.5 gradient) will make successful rehabilitation unlikely to be achievable. We are also concerned that rehabilitation will not happen for decades.

(Appendix ORD: 12.2.3D)

Two issues were highlighted as being of particular concern, these being groundwater pollution and social and economic impacts.

Ground water

There are three aquifers underlying the disposal site which supply domestic, stock and irrigation water to much of the Dardanup region. In 2015 (Golder) identified that there was insufficient information on the overall geological and hydrogeological conditions of the site to fully understand the potential contaminant migration pathways and connectivity between groundwater beneath the site and down gradient groundwater users.

The locating of a site for the proposed over these aquifers is prohibited under Drinking Water Protection Guidelines, Victorian BMEP for Landfills and does not comply with Legislation Requirements of EPA guidance for Planning as it puts at risk aquifers that supply potable groundwater.

Further, Golder also identified that currently the groundwater monitoring will not allow early detection of pollution and local residents have little confidence in the monitoring requirements specified in the Licence Conditions being adequate to detect and prevent contamination of the ground water resources, either now, or in the future.

Social and Economic Impacts

That Ferguson Valley is a renowned and much awarded tourism region. The area is a social asset, and businesses are an important employer in the region. With site now four times the size of Dardanup township footprint, it threatens the reputation of this prized agricultural and tourism destination.

Ferguson Valley is arguably among the most beautiful rural landscapes in WA. An insidious landfill in the centre of the panoramic area will compromise the valleys reputation with a flow on effect of reducing tourist numbers, with a negative impact on business and service providers.

In summary we concluded that the Development did not conform with numerous aspects of various planning instruments, that it is poorly managed and would have a devastating impact on the amenity, social and business values of Dardanup and the Ferguson Valley

1. INTRODUCTION

This submission aims to outline and address the issues inherent in the Harley Dykstra, 2021, *Development Application Lot 2 Banksia Road Crooked Brook* (Development Application) for Waste Cells 9, 10 and 12a at The Cleanaway Landfill Facility (the site) and the documents included with the said application.

That Dardanup and wider community are strongly opposed to any further development by Cleanaway at Banksia Rd is clearly demonstrated by the over 3100 people who signed petitions 169 and 002 which were presented to WA's Legislative Council in October 2020 and April 2021.

The Dardanup Environmental Action Group (DEAG) contend that the proposed development is not consistent with the objectives of *Shire of Dardanup Town Planning Scheme No. 3 (TPS3)* which state:

(b) to secure the amenity, health and convenience of the Scheme Area and the inhabitants thereof;

(d) the preservation of places of natural beauty, of historic buildings and objects of historical and scientific interest;

and 1.4 The particular objects of the Scheme are;

(e) to protect areas of significant agricultural value particularly those in irrigation districts from conflicting land uses

We also contend that it does not meet the definition of industry – rural and that the operation should correctly be classified as industry - noxious or hazardous.

BACKGROUND AND SITE CONTEXT

The primary and dominant land use in the surrounding area is agriculture and tourism, supporting grazing, dairy, a range of other intensive agricultural pursuits, wineries, tourism facilities, festivals and tourist accommodation.

Cleanaway's claim in their Development Application that "Similar waste disposal and processing occurs at the Depiazzi" site is misleading and incorrect, as Depiazzi & Sons, are producers of soils, potting mixes and mulches, which complies with industries permitted in rural areas, not a storer of Putrescible waste and industrial waste, more fitting of the Land use definition, *Industry – noxious or hazardous - meaning industry which, by reason of the processes involved or the method of manufacture or the nature of the material used or produced, requires isolation from adjacent land uses due to its off-site impacts;*

No part of this application explains the site is adjacent to farm land that benefits from a complex irrigation scheme, allowing farmers to achieve high quality produce on an increased scale.

DEAG urges JDAP to refuse the application as it has failed to refer to State Rural Planning Policy which should apply and be of primary concern in this area

2. PLANNING CONSIDERATIONS

2.1 STATE RURAL PLANNING POLICY 2.5 2016

The site is zoned 'Rural' under the Greater Bunbury Regional Scheme (GBRS).

The information provided in Table 1(a) below illustrates that Cleanaway's facility does not comply with the Policy objectives, protection of rural land and land uses, environment and landscape attributes. It does not comply with the requirements for Regional Facilities and impacts are unable to be managed due to the poor siting of the Landfill.

2.2 SHIRE OF DARDANUP LOCAL PLANNING SCHEME 3 (LPS3)

Lot 2 is zoned general Farming under LPS3. The Development Application should not be approved as it is inconsistent with the objectives of General farming. The information provided in Table1(b) below illustrates that Cleanaway's facility does not comply with the objectives of General Farming.

The Development Application states it is a 'Use Not Listed,' but In the Zoning Table for LPS3 **there is no listing** for Waste Facility. The facility is an industry as it involves processing and treating of waste substances but it does not comply with the definition of **industries – rural**.

The most appropriate category for this facility in the Zoning Table is 'industry – noxious and hazardous and this is a use prohibited in 'general farming'.

This Licenced facility has offsite impacts. It contains noxious and hazardous waste materials, including Radioactive waste and requires regular compliance monitoring by DWER, ARPANZA and Local Government. It will require separation from other land uses for decades. Noxious by-products include Odour, toxic dust, radionuclides and leachate.

Cleanaway's Development Application does not address restrictions on Non-Conforming Use of Land.

2.3 LOCAL DEVELOPMENT PLAN LOT 2 BANKSIA RD

The Local Development Plan (LDP) for Lot 2 has height development restriction not to exceed a maximum height of 114m AHD. This height limitation will apply to any new structure on site, inclusive of buildings, plant or equipment, and any temporary, permanent, bulk, earthworks or stockpiles occurring on site. As evident from the 'Example View Locations', the current facility has already begun to protrude above the skyline and any proposed variation to this height limitation should not be approved and would have considerable **visual impact** to surrounding landowners and businesses.

Based on the information in the following tables, DEAG urges JDAP to refuse this application on the grounds this site is NOT suitable for any expansion or continuation of Landfill.

It has reached capacity and alternative sites need to be established, which are away from growing populations and on stable land that is not over potable aquifers.

The application is not compatible with local planning regulations and restrictions and is not compatible with the vision of existing and expanding Ferguson Valley Tourism Industry or Dardanup Viticulture or Agriculture businesses into the future.

TABLE 1A STATE PLANNING POLICY NO. 2.5: RURAL PLANNING (SPP 2.5).

	<i>POLICY OBJECTIVES</i>	<i>COMMENTS</i>
SECTION 4 POLICY OBJECTIVES	<p><i>The objectives of this policy are to:</i></p> <ul style="list-style-type: none"><i>(a) support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;</i><i>(b) provide investment security for existing, expanded and future primary production and promote economic growth and regional development on rural land for rural land uses;</i><i>(e) avoid and minimise land use conflicts;</i><i>(g) protect and sustainably manage environmental, landscape and water resource assets</i>	<p>We respectfully request decision-makers acknowledge that Cleanaway's proposal to expand their facility contravenes the objectives of this policy.</p> <ul style="list-style-type: none">(a) Dardanup is surrounded by priority agricultural land, with extensive irrigated land of superior soils immediately in front of the Cleanaway site. This is recognised in the industry and wider public with products marketed using Dardanup and Ferguson Valley Branding. The landfill poses a risk of contamination to surrounding Rural land. This is priority, irrigated land, renowned for high quality production of food.(b) Investment security for expansion of, and future of primary production, which promotes economic growth and regional development is impacted by Cleanaway's facilities with a clear risk of future contamination and land use conflict.(d) (e) The area embodies picturesque rural views and highly productive land with high rural and tourism appreciation and potential.(g) While this site can never return to productive rural use due to toxicity issues and methane emissions, it is now incumbent on planners and authorities to comprehensively protect the rural land use of the adjoining and surrounding area of this site by ending landfill in the area. The site is directly above the most important water resources that supply 100% of drinking sources for the region. All drinking water in the region is Groundwater. The precautionary principle must apply to ensure this resource does not become contaminated.
SECTION 5.1 PROTECTION OF RURAL LAND AND LAND USES	<ul style="list-style-type: none"><i>(c) ensuring retention and protection of rural land for biodiversity protection, natural resource management and protection of valued landscapes and views;</i><i>(g) comprehensively planning for the introduction of sensitive land uses that may compromise existing, future and potential primary production on rural land;</i>	<ul style="list-style-type: none">(c) Planning decision-makers need to Protect valued landscapes and views by denying Cleanaway's expansion plans. This facility does not comply with 5.1 of the policy and compromises existing, future and potential primary production. The facility is already protruding above the highly valued Whicher Scarp ridgeline.(g) There have never been any future impact studies completed to look into the probable impact of continual expansion. The shire's LPS for Lot 2 attempts to limit adverse impacts, but the proponent seeks to have these overturned. We respectfully request that JDAP recommend to State Planners that a cumulative planning assessment be implemented for this site expansion.
SECTION 5.10 MANAGING AND IMPROVING ENVIRONMENTAL AND LANDSCAPE ATTRIBUTES	<p><i>Environmental and landscape attributes will be managed and improved by:</i></p> <ul style="list-style-type: none"><i>(a) supporting and promoting private conservation areas within Western Australia in addition to State and local government conservation reserves</i><i>(e) supporting the inclusion into strategies and schemes of provisions that promote protection of valued landscape and views, as required;</i>	<ul style="list-style-type: none">(a) Adjoining the proponent's facility is Dardanup Conservation Park on two boundaries. Contrary to EPA guidance and historical planning recommendations, there is no buffer between the facility and this park and This landfill siting does not comply with Environmental Guidance for Planning and Development (GS 33) and Victorian BMEP guidelines. Methane, dust and fugitive litter has already compromised the health of the parks vegetation and feral animals are an issue.

(Appendix ORD: 12.2.3D)

DEAG Submission on Cleanaway Development Application

<p>SECTION 5.11 REGIONAL FACILITIES</p>	<p><i>Where amendments are proposed, or in situations where a development application is lodged, the following requirements apply:</i></p> <p><i>(a) facilities should be located on a main road or on a road that is of a suitable standard and treatment, to accommodate significant increase in traffic volumes and freight tasks which may be generated by the proposal</i></p> <p><i>(b) facilities should contain or satisfactorily manage potential environmental (including water resources), noise, amenity and air quality impacts on the landholding without affecting nearby rural land uses;</i></p> <p><i>(c) facilities should not be visually dominant within key viewsheds, and should be visually compatible with surrounding land uses and development;</i></p>	<p>(a) Traffic issues are very significant at this site. Contractors utilise rural and local roads to access the site. Tourist traffic is varied in the region – eg bicycles and vintage cars often frequent the Ferguson Valley. Heavily laden double container trucks impact on the amenity of residents and visitors from 5am until 10pm.</p> <p>(b) DWER received 83 public reports of pollution from this facility in the first 6 months of 2020 that impacted on nearby rural land users. This has been ongoing for years and continues. The site is unmanageable – dust and fires are common on this highly exposed site.</p> <p>The water testing bores have been found to be inadequate and contravene license condition, resulting in irrelevant aquifer water testing results which have also been incomprehensible and incomplete. Future impacts of noise, dust, fire, visibility, odour and water pollution have never been modelled. Offsite impacts of dust, litter and runoff have never been able to be managed due to the steep gradient and poor management. This is supported by public complaints to DWER, DWER review of Cleanaway’s Licence and Local Council Plan for the site to better manage impacts.</p> <p>(c) The facility is visually dominant within the viewscape and is not visually compatible with surrounding uses and development.</p>
<p>SECTION 5.12 PREVENTING AND MANAGING IMPACTS IN LAND USE PLANNING</p>	<p><i>One of the key elements in achieving the objectives of this policy is ensuring that zones and sites are suitable for their intended purpose. As a result, at each stage of the planning framework, planning decision-makers need to consider the broad suitability of land uses and the ability to manage offsite impacts prior to determining whether the use of a buffer is necessary.</i></p>	<p>Decision-makers need to acknowledge that this site is not suitable for the proponent’s intended purpose. History has shown that Cleanaway are unable to manage offsite impacts. At each stage of the expansion decision makers have ignored this and allowed Amendments and Development Approvals. Whilst the unsuitability of the site has been recognised by Local Government in their opposition to previous applications, it has been ignored at SAT Appeals.</p> <p>JDAP should consider the broad suitability of the land use, which is to protect agriculture and rural uses.</p> <p>No buffer zone will be effective for this proposal. The risk to water contamination is beneath the site, the viewshed, at 114mAHD is already confronting from the north, south and west. It is in an extremely sensitive location over an ancient Faultline (Figure 3) with cracks and fissures, and complex flow of water to the aquifers all of which is not fully understood.</p> <p>The risk of Tip fires spreading into the forest as the cells encroach towards the eastern boundary cannot be ignored as an increased offsite impact.</p>

<p>SECTION 5.12.1 AVOIDING LAND USE CONFLICT</p>	<p><i>Planning decision-makers shall take the following approach to avoid land use conflict:</i></p> <p><i>(b) where a development is proposed for a land use that may generate off-site impacts, there should be application of the separation distances used in environmental policy and health guidance, prescribed standards, accepted industry standards and/or Codes of Practice, followed by considering</i></p> <p><i>(i) whether the site is capable of accommodating the land use; and/or</i></p> <p><i>(ii) whether surrounding rural land is suitable, and can be used to meet the separation distances between the nearest sensitive land use and/or zone, and would not limit future rural land uses; and</i></p> <p><i>(iii) whether if clauses (i) and/or (ii) are met, a statutory buffer is not required;</i></p> <p><i>(c) where a development is proposed for a land use that may generate off-site impacts and does not meet the standard outlined in clause 5.12.1 (b) then more detailed consideration of off-site impacts will be required, in accordance with clause 5.12.3 of this policy; and(</i></p> <p><i>d) where a development is proposed that could be contemplated in the zone, and has been assessed under clause 5.12.3 as having unacceptable off-site impacts that cannot be further mitigated or managed, the proposal should be refused.</i></p>	<p>This Development Application should be refused</p> <p>Cleanaway’s facility generates off-site impacts. History has shown that the impacts are not being managed in accord with environmental requirements. Planning decision makers must now consider</p> <p>(i) Whether the site is capable of accommodating the land use?</p> <p>Does the proposed development meet the standard outlined in clause 5.12.1: and</p> <p>d) where a development is proposed that could be contemplated in the zone, and has been assessed under clause 5.12.3 as having unacceptable off-site impacts that cannot be further mitigated or managed, the proposal should be refused because it does not meet required standards for regional Facilities.</p> <p>Codes of Practice and Guidance Statements which apply for this facility have been addressed in Table 2.</p>
<p>SECTION 6 IMPLEMENTATION</p>	<p><i>6.1 Regional strategic planning for rural land Regional planning strategies should identify:</i></p> <p><i>(a) primary production sites that service the region or beyond;</i></p> <p><i>(b) priority agricultural land;</i></p> <p><i>(e) regionally significant biodiversity, landscape and environmental assets, including water resources.</i></p>	<p>(a) (b) This site is surrounded by Primary Production land, including “priority” land with extensive irrigation scheme.</p> <p>(e) The site is over the major recharge point to the three major potable aquifers of the region, used by thousands for 100% of their mains water supply.</p> <p>Much is not known about the aquifer system and the drainage within the scarp area.</p> <p>With almost annual, piecemeal development applications for expansion on this site over the last 20 years, and the complete absence of an overall plan until 2021, it seems that no strategic planning of any description has ever been considered. The basis of the original Ministerial approval in 1999 envisioned that the landfill would simply fill a quarried hole and never be visible to the surrounding area.</p>

TABLE 1(B) SHIRE OF DARDANUP LOCAL PLANNING SCHEME 3 (LPS3)		
<p>GENERAL FARMING ZONE</p>	<ul style="list-style-type: none"> To provide for a wide variety of productive farming activities, ranging from broadacre grazing to horticulture, which are compatible with the capability of the land and retain the rural character and amenity of the locality. To protect areas of significant agricultural value, particularly those in irrigation districts, from conflicting land uses. To facilitate low-key tourist development where it is incidental to the use of the land for farming purposes and where land use conflict can be minimised. 	<p>Lot 2 Zoning is General Farming. Development Application is incompatible. Does not retain rural character and amenity of the locality. Impacts on significant, irrigated agricultural value. Use is not incidental to use of land for farming purposes and reduces amenity for low key tourist activities</p>
<p>ZONING TABLE</p>	<p>No listing for a Waste facility in Zoning Table. 2.4.2 of LPS3 states 'any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may -</p> <p>a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;</p> <p>c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.'</p>	<p>1. Development Application is not consistent with objectives of General Farming</p> <p>2. Development Application falls within the definition of industry – noxious or hazardous - means an industry which, by reason of the processes involved or the method of manufacture or the nature of the material used or produced, requires isolation from adjacent land uses due to its off-site impacts;</p>
<p>INDUSTRY – NOXIOUS AND HAZARDOUS/ INDUSTRY- RURAL</p>	<p>industry – noxious or hazardous - means an industry which, by reason of the processes involved or the method of manufacture or the nature of the material used or produced, requires isolation from adjacent land uses due to its off-site impacts;</p> <p>industry – rural means –</p> <p>(a) an industry handling, treating, processing or packing rural products; or</p> <p>(b) a workshop servicing plant or equipment used for rural purposes;</p>	<p>This Licenced facility has offsite impacts. It contains noxious and hazardous waste materials, including Radioactive waste and requires regular compliance monitoring by DWER, ARPANZA and Local Government. It will require separation from other land uses for decades. Noxious by-products include odour, toxic dust and leachate. Development Application does not comply with definition of industry - rural</p>
<p>NON-CONFORMING USE OF LAND</p>	<p>In making special approvals Planners need to consider:</p> <p>(e) submissions received by the Council and</p> <p>(f) The existing and likely future amenity of the neighbourhood, including (but without limiting the generality of the foregoing) the question of whether the proposed development is likely to cause injury to such amenity including injury due to the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products.</p>	<p>(e) Petition 169 and 002 and many submissions at all levels of Government for Amendments and Development Application's by Cleanaway show strong community opposition. Point (f) needs consideration by planners.</p> <p>(f) Planners can make changes to non-conforming uses operating legally if an alternative use is less prejudicial to the amenity of the area. Non-conforming uses are not permitted to expand beyond present operations. DEAG requests no further expansion of this non-conforming use should be permitted in light of (f)</p>

2.3 OTHER RELEVANT REGULATION AND POLICIES

Section 3.4 of State Rural Planning Policy 2.5 identifies other regulations and policies overlapping the planning system, and some proposals may require approvals outside the planning system.

TABLE 2 Identifies a number of these regulatory bodies and how this proposal does not meet requirements. DEAG urge the JDAP to refuse the application on these points.

These include:

- Environmental Guidance for Planning and Development May 2008 – Guidance Statement 33 Protection of special and representative natural areas, prevention of pollution, community health and amenity
- Drinking Water protection (PDWSA Does not meet the requirements for land zoned rural)
- Victorian Siting, Design, Operation and Rehabilitation of Landfills (Best Management Environmental Protection)

The proposal does not comply with the following;

- it is located over potable groundwater and groundwater recharge area, it is a ‘mound’ landfill design, it is located over a fault line.
- Code of Practice on near surface disposal of Radioactive Waste in Australia 1992 ARPANZA - *Landfill Waste Classification and Waste Definitions 1996* (as amended 2019), Environmental Protection Act 1986, Department of Water and Environmental Regulation Radioactive waste must be located in an **intractable** waste facility, radioactive waste cannot be deposited over potable groundwater.

TABLE 2 OTHER LEGISLATION WHICH MUST BE CONSIDERED BY PLANNING DECISION MAKERS

Legislation	Importance	Legislation Requirements	Cleanaway Proposal
<i>ENVIRONMENTAL GUIDANCE FOR PLANNING AND DEVELOPMENT MAY 2008 GUIDANCE STATEMENT NO 33</i>	<i>This Guidance document identifies a number of areas which Local Council must incorporate in planning requirements for any future Amendments and Development Applications for this site.</i>	<i>Local government is required to consider all relevant environmental factors and issues, including:</i> <ul style="list-style-type: none"> • <i>The protection of special and representative natural areas</i> • <i>Prevention of pollution</i> • <i>Protect community’s health, safety, amenity and cultural diversity.</i> <i>Where a proposed land use, development or subdivision is not likely to meet environmental objectives and criteria (having regard for the advice of advisory agencies or experts where appropriate), refusal of the proposal by the relevant decision-making authority should be considered.</i>	Does not meet Guidance criteria for: <ol style="list-style-type: none"> 1. 1.2.1 Areas of High Conservation Significance 2. D3.1 Visual amenity and the EPA Act - Retain natural landforms and bushland vegetation in visually prominent places, as well as in other parts of a site, in order to maintain local landscape character. Avoid locating development where it would be visually obtrusive 3. D4.1 Recreation and the EPA Act 4. Contaminated Sites Pollution Management Policy - best practice (EPA 2003b) contain emissions within the individual industry site boundary

<p><i>DRINKING WATER PROTECTION (PDWSA)</i></p>	<p><i>The EPA's objectives for (PWDSA) are to ensure that: groundwater and surface water resources used for public water supply are protected in accordance with the Australian Drinking Water Guidelines (NHMRC & ARMCANZ 2001 as periodically updated) land uses which could affect the quantity and/or quality of water are appropriately managed</i></p>	<p><i>Water Quality Protection Note Land Use Compatibility in Public Drinking Water Source Areas (latest version) B6.3.2 LOCAL AREA PLANNING</i></p> <p><i>The EPA recommends that consideration is given to: the acceptability of the location of the proposed land use or development having regard to PDWSA protection the detailed design, intensity of development and management measures to be implemented</i></p> <p><i>EPA expects that any proposal that is not consistent with the Water Quality Protection Note Land Use Compatibility in Public Drinking Water Source Areas (latest version) will not be approved by a decision-making authority. Referral of the proposal to the EPA under s38 EPA (EP Act) should be considered if it is not likely to be refused.</i></p>	<p>Does not meet objectives for P1 and P2 Areas</p> <p>Priority 1 Areas – State Forests,</p> <p>The objective in P1 areas is to avoid unnecessary water quality contamination risks. Changes of land use which introduce additional risks are not recommended.</p> <p>Priority 2 (P2) areas are located over land zoned rural, such as farm land and rural-residential lots. The objective in P2 areas is to minimise water quality contamination risks. Low levels of development consistent with the rural zoning are considered appropriate, generally with conditions.</p> <p>All proposed development within PDWSAs should be assessed against the tables by land owners, developers, consultants, local government, the Western Australian Planning Commission and other decision-making authorities.</p>
<p><i>SITING, DESIGN, OPERATION AND REHABILITATION OF LANDFILLS</i></p> <p><i>Victorian BMEP for Landfill Siting and Management</i></p>	<p><i>Vic Best Management Environmental Practice Guidelines has been required since it was adopted by DEC in 2011 for Landfill Proposals and Applications.</i></p>	<p><i>These guidelines are intended to be used as a default position for landfill siting, design, operation and rehabilitation. Landfill operators must meet the objectives and required outcomes by implementing the relevant best-practice measures, described as suggested measures, contained herein.</i></p> <p><i>These guidelines aim to provide existing and future operators of landfills, planning authorities and regulating bodies with:</i></p> <ul style="list-style-type: none"> <i>• information on potential impacts of landfills on the environment and how these are to be mitigated</i> <i>• a clear statement of environmental performance objectives for each segment of the environment</i> <i>• information on how to avoid or minimise environmental impacts, including suggested measures to meet the objectives.</i> 	<p>Cleanaway's Proposal does not comply with these guidelines in the following areas:</p> <ol style="list-style-type: none"> 1. Mound landfills are to be avoided as their exposed nature requires significant litter controls and present a significant visual impact on the landscape 2. Landfills must not be located in areas of potable groundwater, groundwater recharge areas or in areas identified as Public Drinking water Protection Areas 3. A reasonable degree of assurance of the long-term protection of the landfill from an earthquake is to avoid sites within 100 metres of a fault line. The facility is located on the Darling Fault Line (See Figure 1)

(Appendix ORD: 12.2.3D)

DEAG Submission on Cleanaway Development Application

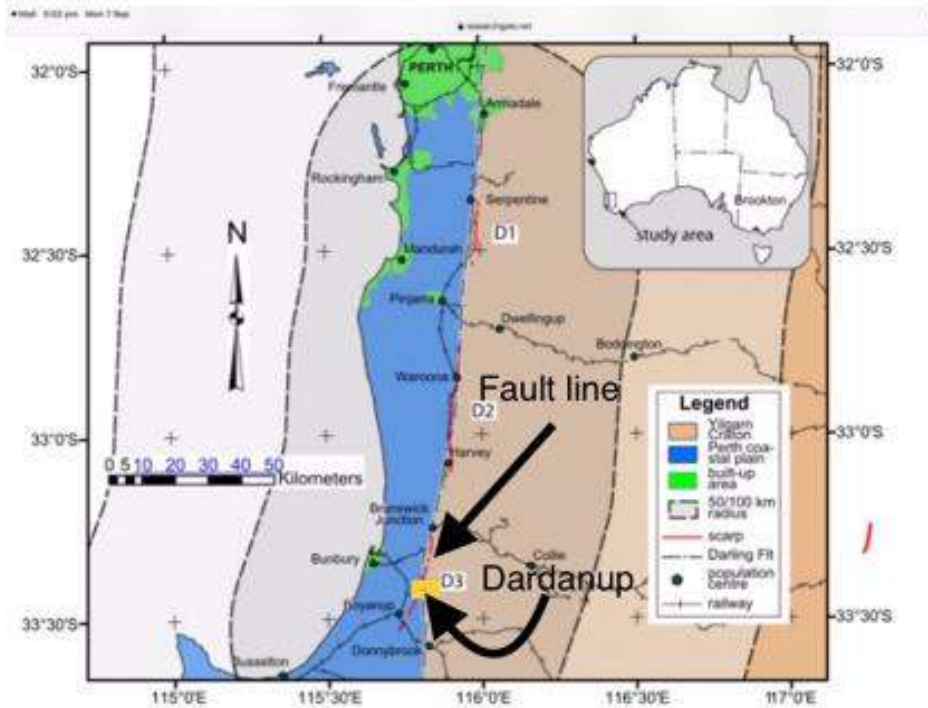


Figure 1 Map showing Faultline

2.4 VISUAL AMENITY

The Development Application states “The conclusions reached by the EPCAD report include the following: Existing works at the subject site are **discrete**. The surrounding vegetation and landforms combine to restrict views. These works do not currently adversely impact the broader landscape character”.

This claim of “discrete” and hidden from view is completely incorrect. See Drawings DARD-620 & 621 (Development

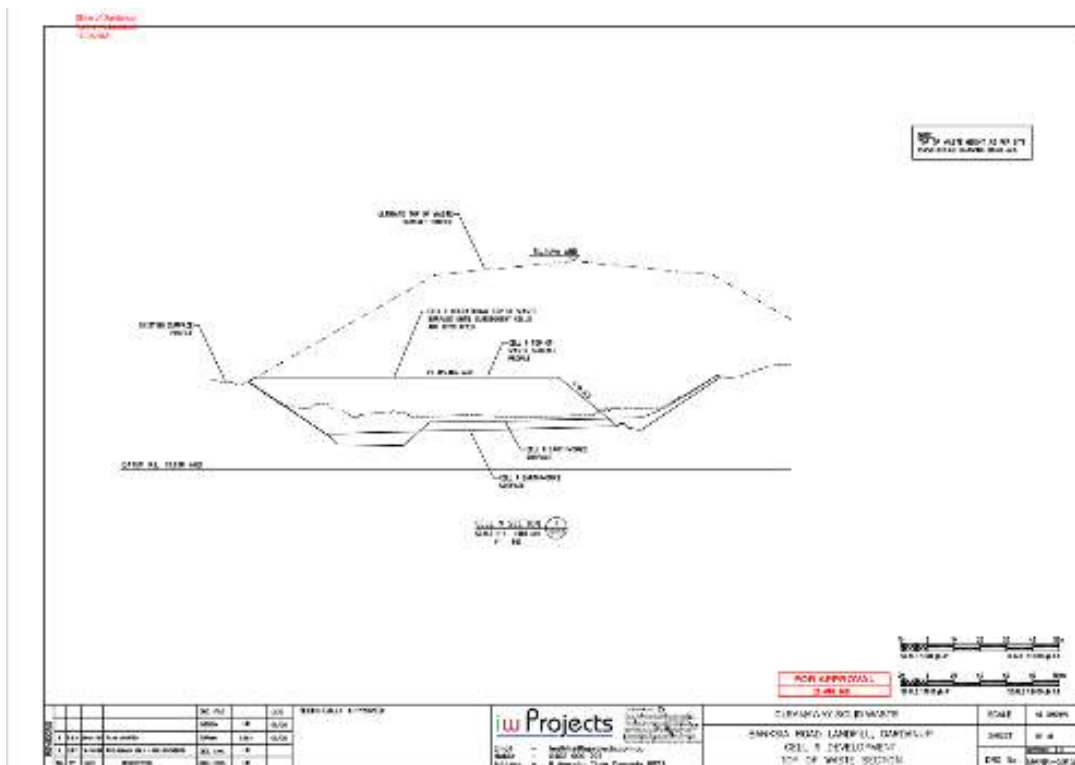


Figure 2: Drawing BANK SK58

Application Appendix B Attach-3-Dard-621-diagram.pdf) and BANK SK58 (Development Application Appendix B Attach-5-Cell-9-Top-of-Waste-Section.pdf).

DARD_620 & 621 are plan drawings showing the contours, elevations and slope after completion of Cells 8,9 & 12 A and at final completion. BANKSK58 (Figure 2 is an elevation drawing and shows the final Top of Waste

(Appendix ORD: 12.2.3D)

DEAG Submission on Cleanaway Development Application

R.L of 149m AHD relative to where it will be to the operational top of waste surface for Cell 9 “UNTIL SUBSEQUENT CELLS ARE DEVELOPED”.

How can Cell 9 be capped and rehabilitated in 2032 if more waste is going to be stacked over it once further cells are constructed?

These drawing indicate that the final mound will be just over a kilometre long and 600m wide, with the top 600m x 150m (as wide and four times as long as Optus Stadium). It is hard to image how much this will dominant the landscape and impact on the visual amenity, not just surrounding the site, but for kilometres.

With slopes of up to 30% it can never look like a natural feature

2.4.1 Impact on the Vistas from the Scarp.

The Landfill site lies on the coastal plan at the base of the Whicher escarpment; towering 70m over the surrounding farms it will be the dominate feature on the landscape for those residing to the north west, west or south west of the site.

To the east however, commencing with the hills on the western half of the Conservation Park adjacent to Cleanaway’s landfill mountain, the scarp slowly climbs to the hills and ranges of Ferguson Valley, Wellington Mills and Mt Lennard in the Wellington National Park. These bucolic hills are the location for multiple tourist venues (wineries, restaurants and accommodation), and private residences with amazing vistas in all directions.

Residents and visitors expecting to enjoy the panoramic views back over the coastal plains and the ocean will now have their view blighted by the presence of the unsightly landfill mound.

2.4.2 Stockpiled Soil

While drawings in I.W.Projects Appendix 13 (Development Application Appendix C) make it look like Cells 9 and 10 hardly increase the height of the landfill, information included in the Development Application (Harley Dykstra) section 3.1.3 states “The soil removed from the three cells will incrementally be stockpiled and used on Lot 2 for covering/capping as the cells progress. When stockpiled, the soil will be located towards the rear (east) of the site where existing stockpiles have already been established (to the north and east of proposed Cells 9 and 10).” The rear of the site is the highest point of the site. That no modelling has been done to show how these stockpiles of overburden will impact on viewsapes, and that the size and location of this overburden stockpile on a mountain is not drawn into the plans and no attempt has been displayed for its “discrete” location can only been seen as negligent or deceptive.

DEAG consider that storing this overburden at the top of the hill next to the cells 9 and 10 will make the mountain appear to have already reached close to its full 151m ADH from soon after construction of the new cells commence, and it would remain unvegetated until the tip closes down.

DEAG consider that storing of a stockpile to be perched on the top of the Whicher Scarp as proposed by this application to be a non-conforming land use.

DEAG stress to JDAP that it will be impractical to “Discretely” store overburden on the site.

(Appendix ORD: 12.2.3D)

DEAG Submission on Cleanaway Development Application

2.4.3 Impacts to Visual Amenity

The Ferguson Valley and Dardanup is host to tens of thousands of visitors each year who visit the area for its peaceful and bucolic landscapes and world class wineries and restaurants.

Maintaining the Visual Amenity for the tourists is of primary importance to the businesses that host them. Tourists flood to the area for multiple annual events including but not limited to;

- Ferguson Valley “Lost and Found” festival week
- Dardanup Bull and Barrel Festival – around 20,000 visitors for one day alone!
- Wedding Expo
- Open Garden Trail
- Dardanup Art Spectacular and Art Trail
- Outdoor Movies at St Aidens
- SW Cycle Club annual event (sometimes two events) – the route running along Ferguson Rd from Dardanup with a loop through Ferguson Valley and back.
- Multiple other road cycling events
- Multiple X-Country / Trail Biking events
- Classic car and 4WD events
- Geographe Wine Show
- Ferguson Valley Music Trail
- Anzac Day and Australia Day Breakfasts
- Equestrian events
- Footy and cricket events
- Dardanups historical society weekend known as The Heritage Collective Forum
- Bibbulman Track and Munda Biddi Track – Munda Biddi cuts through Crooked Brook Forest across the road from the dump
- Largest mural in the world at Wellington Dam
- Gnomesville
- Award winning wineries and restaurants

This community has worked extremely hard and is justifiably very proud to be the custodians of this beautiful and unique part of WA. The ever-present mountain (and especially the threat of the increased height of the mountain) is a long-term threat to the many tourism and viticulture businesses in the area.

DEAG urges JDAP to refuse the application and the Cleanaway Environmental Management Plan on the basis of substantially threatened the views on which the tourism industry and agricultural branding surrounding the site depend.

2.4.4 Visual Modelling

No realistic 3D modelling or isometric drawings have been provided with this application; we can only imagine what it will look like from the drawing already discussed.

While the site is currently visible from a number of vantage points in the region, the final height will be 36m higher (similar to an eleven or twelve floor building). Perched on the top of a fully exposed ridge it will dominate the area. Yet, Section 4.5 of the application claims “In the long term, the proposed top of cell height, 149 AHD (including capping) will form a slightly higher skyline from some views. This will be observed as an integral part of the rural landscape.” This statement is untruthful and misleading.

In light of the failure to provide 3D model or isometric drawings, DEAG have had a graphic artist provide “before” and our calculated “after” images (figures 3 & 4) below. The results are hard to believe, but if compared to the information in the drawings appear realistic

(Appendix ORD: 12.2.3D)

DEAG Submission on Cleanaway Development Application



Figure 3: View across Ferguson Road from Waterloo Road
Left: Current view. Right: anticipated view after the proposed height increase of 36m or 50%.



Figure 4: View from Green Door Winery, Henty Road
Left: Current view landfill not yet visible. Right: View after full height of 151m ADH is achieved

DEAG urges JDAP to refuse the application and the Environmental Management Plan on the basis that Cleanaway have completely failed to take into account the true impact on the Visual Amenity Impacts on the Ferguson Valley Tourism Precinct, and the historical town of Dardanup.

2.5 PLANNING AND LICENCE REVIEW

Currently the EPA and DWER are conducting reviews and Formal Assessments into Cleanaway's License and expansion plans making proper and informed Planning approval unachievable.

These include;

1. The EPA, **under Part IV of the Environmental Protection Act 1986**, are conducting a formal assessment (Public Environmental Review) for this proposal as it is deemed likely to have significant environmental impacts.
2. DWER are currently in the process of a full review of Cleanaway's Licence. This commenced in January 2021.

On this basis alone, we respectfully point out that planning authorities must reject the Cleanaway application as environmental consideration and/or formal assessment precedes planning decision-making.

This community and DEAG strongly urge the JDAP to refuse the application on the basis of all the other points made by this and other submissions.

2.6 CUMULATIVE PLANNING ASSESSMENT

DEAG request JDAP to recommend that a **Cumulative Planning Assessment** is undertaken at State Level to decide whether the site is capable of accommodating the land use proposed by the Proponent. This is timely due to the EPA Public Environmental Review and the DWER review of Cleanaway's.

Historically any review has been restricted to the cell or cells for which a Works Approval is being sought and does not consider how this fits in with the overall activities on the site, including the processing slurry from the Tronox Kemerton Titanium Dioxide Processing Plant. The solids waste, which contains Technically Enhanced Naturally Occurring Radioactive Material (TENORM) (which typically contains on average 200ppm Uranium and 1000ppm Thorium), and a suite of heavy metals and other pollutants, **are stored onsite**.

This material has caused a litany of problems on the Leschenault Peninsula and at Dalyellup and it has to be questioned whether it is appropriate for it to be stored on a landfill site and if the management requirements for each are compatible.

Until 2020 Lot 2 has been subject to a series of licence amendments to facilitate staged development applications with no holistic review of the overall operation. This may appear to have been designed to use Amendments and avoid scrutiny from DWER, Planning and any EPA cumulative assessment.

DEAG urges JDAP to refuse all aspects of this application on this basis we believe there has not been proper and orderly planning for this site, but rather it has just been allowed to morph into the monstrosity that it has become through a constant approval of piecemeal applications and amendments.

2.7 CLEANAWAY'S ENVIRONMENTAL MANAGEMENT PLAN

Included in Appendix C: IW Projects Works Approval Application Supporting Documentation of the Development Application as Appendix 10; this document is also known as the Cleanaway Master Plan. The purpose of the plan is ostensibly to provide relevant background information regarding the site, the design of the facility and the strategy and actions that are being taken to operate and manage the site. The objective is to document management and mitigation measures to prevent or minimise adverse impact on human health and the environment.

How it can do this without consider the issues and risks of handling and storing the radioactive Category 61 liquid waste is not explained.

In 2021 Cleanaway submitted this document to the Shire of Dardanup as a Masterplan, it was not accepted by the Shire. This document cannot be ignored as many of the Appendices and Documents included within it, and submitted to support the Development Application refer to massive expansion beyond Lot 2.

It is not just about a planning application for the three new cells but sets out a longer-term plan for the site which highlights a number of matters including;

- approval for Cell 12A to be at an extra ten meters of height above the current licence condition
- final landfill height of 151m ADH
- all the associated cells to within a few metres of the Eastern boundary with the Conservation Park

The document also attempts to connect Lot 2 with the adjacent Lot 81 (leased by Cleanaway from the same owners as Lot 2) and the Tronox owned site Lot 4580 - also adjacent.

The contents of this document reinforce the necessity of a Cumulative Effects Environmental view of the overall long-term design and management of the site.

Further, as a non-conforming use of land, their attempts to connect Lot 2 with the adjacent Lot 81 ignores restrictions on non-conforming uses as set out in TPS3.

6.1 (a) The non-conforming use shall not be extended beyond the boundaries of the lot or lots upon which it was carried on at the gazettal date.

This application should be refused because supporting information is not consistent with TPS3 and is not consistent with orderly and proper planning, which requires JDAP, in exercising its discretion to approve.

2.8 VICTORIAN EPA SITING, DESIGN OPERATION AND REHABILITATION

The applicant states “Proposed cells have been designed in accordance with the EPA Victoria, BPEM, Siting, Design, Operation and Rehabilitation of Landfill, August 2016 landfill development guidelines.” This has been covered in Table 2. In summary Cleanaway’s Proposal does not comply with these guidelines in the following areas:

- *Mound landfills are to be avoided as their exposed nature requires significant litter controls and present a significant visual impact on the landscape*
- *Landfills must not be located in areas of potable groundwater, groundwater recharge areas or in areas identified as Public Drinking water Protection Areas*
- *A reasonable degree of assurance of long-term protection of the landfill from earthquakes is to avoid sites within 100 metres of a fault line. The facility is located on the Darling Fault Line (see Figure 3)*

2.9 FIRE RISK

Section 4.6 of the Development Application reads “The site has an ample firefighting water supply provided by the two Stormwater Ponds, bore pump, and two 15,000L water carts”.

In contradiction to this claim, the Community Reference Group (CRG) have reported back that there is no regular staff training on fire equipment use and it is unlikely that they have two people regularly on site who can operate the two water carts.

This twenty-year-old site has experienced almost yearly tip fires and failed to have any fire plan until last year, and as the tip face creeps closer to the forest, fires will more easily escape into the forest. We have no way of knowing if their Fire Plan is anything more than paperwork.

More importantly however is that the Development Application only looks at fires in the context of *State Planning Policy 3.7- Planning in Bushfire Prone Areas* and protecting the site and infrastructure from bushfire and not in terms of the impact of amenity or Occupational Health and Safety.

It has not assessed the causes and probability of fires originating on site, which seems to have been the case in all known fires, and investigated risks or cause, such as spontaneous combustion and equipment malfunction. We do know that both our volunteer and career firefighters have risked their health fighting relentless tip fires with thick toxic fumes at this site for years, and will likely continue to do so well into the future.

As the cells creep closer to the surrounding forest the chance of tip fires spreading through the region is greatly increased. Lives and property face increased risks as a direct result of this development. If a fire occurs on the site from January to April it is known that the grape harvest will be impacted with the smoke tainting the grapes and devaluing the fruit and wines produced.



Figure 5: One of Three tip fires which occurred in the Summer of 2019 / 2020

DEAG urges JDAP to refuse the application on the basis that the risk of ignition of landfill and the subsequent impact on the amenity, agricultural value and environmental assets has not been adequately addressed

3. ENVIRONMENTAL MANAGEMENT

In considering this Development Application it must be recognised that the operation of the Category 64: putrescible landfill waste site is intrinsically linked to the cells used for the storage of solids from Category 61 liquid waste facility. This facility processes slurry from the Tronox Kemerton Titanium Dioxide Processing Plant. The solids waste, which contains Technically Enhanced Naturally Occurring Radioactive Material (TENORM) and a suite of heavy metals and other pollutants, are stored onsite.

Whether it relate to operating hours or contamination of groundwater, it is not appropriate to assess the operation of the putrescible waste cells in isolation.

3.1 HOURS OF OPERATION

The Development Application section 3.2.1 claims “hours of operation at Lot 2 is currently carried out from 6:00 am to 6:00 pm daily, as per previous consents. This Development Application does not propose any amendments to the existing operating hours”.

Whilst this may technically be true in relation to operation of the landfill cells, the site itself currently operates from 6 am to 10 pm as documented in Appendix No 10 - “Environmental Management Plan” of the Development Application Appendix G; I.W Projects Works Approval Application, of which section 4.3 states that **operating hours are already 7 days per week until 10 pm**

However, the disturbance of the amenity of neighbours, residents and business goes well beyond these hours with lights going on and trucks arriving much earlier than this, often queuing at the gate from 4 am until 10 pm.

This has severe impacts on the amenity of these groups and is a major discord with farmers, tourism, special interest clubs and festival/event activities in the area.

We urge state planners to proceed with extreme caution if they are relying on DWER to properly control activities at this site as hours have never been successfully enforced at the site in the past.

DEAG submits that operating times at the site should be restricted to 7am to 5pm Monday to Friday, 8am to Noon on Saturday and closed on Sundays and Public Holidays to improve the amenity of the area.

3.2 STORMWATER

Cleanaway have a history of being unable to manage stormwater run-off from the site, resulting in the flooding of Banksia Rd, neighbouring farmland, and the Dardanup Conservation Park. If this water is contaminated by any of the wastes dumped at Banksia Rd, then the risk of the contamination of dams, pastures, crops etc is significant.

3.3 GROUNDWATER

The Proponent’s statement in Section 3.2.3 of the Development Application (Harley Dykstra) claims “For more than a decade, numerous specialist consultants have been engaged to monitor and model the groundwater below the subject site”.

The hydrogeology of the area is complicated and not fully understood (Golder 2015). However, the proponents fail to explain that the monitoring bores were neither located or constructed according to the licence, and this is only now being rectified. Therefore, there are no meaningful water testing results as these bores failed to separate the aquifers and were generally inadequate (Golder 2015).

The data collected to date can provide no meaningful analysis as to what impact the site has had or is having on the quality of the groundwater aquifers, and the claims in Section 3.2.3 of the Development Application claims should be considered as spurious.

The communities’ mains water supply is thus at risk as everyone in the region from Bunbury to Busselton and Eaton uses these aquifers for 100% of their mains water.

Water quality protection note (WQPN) 25: Land use compatibility tables for public drinking water source areas classify areas located over land zoned rural, such as farm land and rural residential lots as Priority 2 (P2). The objective in P2 areas is to minimise water quality contamination risks.

WQPN25 states that Low levels of development consistent with the rural zoning are considered appropriate, generally with conditions in these areas. The storing of Putrescible waste in this area is not consistent with this policy.

3.4 TRAFFIC

The proponent has claimed in section 3.2.4 of the Development Application (Harley Dykstra) that the proposed cells will not have any material impact to the traffic generation onsite or offsite (i.e. no increase), since the three cells are proposed in a staged manner to replace the existing cells which are reaching their capacity.

This does not mean however that the impact on amenity will not change over the life of the project.

The road with the main view of the dump today is part of the Ferguson Valley Tourist Route and traffic is restricted to 80 kph. In practice, this road is far slower with frequent cyclist groups, farm vehicles / tractors etc, day trippers, caravanners and holiday makers.

Further, with the State Government pumping substantial funds into Collie and the Wellington Dam area the road from Wellington Dam is becoming an additional feeder to the Ferguson Valley and increasing tourist traffic along the road servicing the landfill.

So, whilst Cleanaway's traffic may not increase, their interactions with local and tourist traffic will. It should also be noted that traffic will not be evenly spread over the day but arrive and depart in waves (most trucks will be waiting at the gate at 6am, deliver their second load around midday and then final load for day about 6 pm).

A more thorough analysis of traffic movements is justified.

3.5 DUST MANAGEMENT

Cleanaway have consistently demonstrated inability to control dust from the site blowing onto neighbouring farms, houses and the Dardanup Conservation Park. This community have come to realise that DWER and the Department of Environment cannot be relied upon to control activities and compliance at this facility.

With all the will in the world it is highly improbable that the Dust Management Plan will work, or that such an exposed landfill site can ever be adequately managed due its location, size, structural shape, and the strong (katabatic) easterly winds with the landfill design planned. Even at the existing height, the summer winds from early easterlies to afternoon westerlies catch this hillside full frontal. As the height increases above the ridge, exposure to winds from all directions will increase.

Dust reports and analysis have been based on "average" weather conditions, but as anyone that has experienced an Australia dust storm will appreciate, the worst dust events are just that, short, intense events driven by episodic climate events such as front.

No modelling has been provided to determine what wind velocity are required and the likely frequency and return intervals of these, or to show how dust will impact further afield when cells at the ridge and higher are constructed. Leys and McTainish have published numerous papers on predicting and measuring erosion and dust and the health impacts of dust. It is well established that dust will reduce air quality and have significant health impact and further investigations are required into this issue.



Figure 6: Dust emissions from the Landfill occur regularly on all but the stillest days.

3.6 ODOUR

The Development Application states that the odour associated with the usage of the new cells will be the same as is currently occurring onsite and no increase in overall odour generation will occur.

Section 18.3 in IW Projects report Appendix C explains how the intensity and stench of the odour will be a mix of the odour emanating from the general waste as it putrefies, and that this will be highly dependent on the quantity and composition of waste in the landfill, the degree of purification, extent of landfill gas management and ambient weather conditions (temperature, wind strength and direction, inversions etc).

Neighbors, visitors, people using the Conservation Park can vouch that the odour, a constant lingering putrid odour, is ever present ranging from a mild smell to a nauseating stench. Depending on wind direction and intensity its effect can be smelt anywhere from Dardanup Township to the Conservation Park.

Attracting vermin and flies, it remains a health and environmental hazard, and is able to ooze through doors and windows. It has a most insidious impact on the amenity of the area.

3.7 NOISE

Section 3.2.7 of the Development Application claims “Assessment of the current operations and the inclusion of anticipated construction noise emissions for the Cleanaway Waste Transfer Facility shows that compliance with the criteria stipulated in the Environmental Protection (Noise) Regulations 1997, is achieved at all times.”

However, despite this claim, noise issues receive numerous complaints and are a constant source of discussion at Community Reference Group Meetings. There was agreement to stop the use of reversing beepers on all site and visiting contractor vehicles (does safety legislation even allow this).

DEAG understand that the compliance testing was performed while Cleanaway were honouring the agreement not to use reversing beepers. DEAG not agree that noise emissions are compliant, rather the beepers were simply turned off temporarily for the sake of the Acoustic testing and reporting.

With the significant proposed increase in height, and the site growing above the ridgeline this high-pitched sound will travel considerably further through the Ferguson Valley tourism precinct than it currently does.

Acoustic testing needs to be carried out with all machinery operating as they would at peak periods of activity, with all safety requirements being met and the data obtained used to model future noise impact when the operating face is at the planned future elevations.

The level of noise emanating from the site is already affecting the amenity of the area. It impacts on the amenity of;

- Tourists seeking the peace and tranquillity of the countryside,
- Naturalists and birdwatchers in the Conservation Park,
- Bushwalkers and wildflower enthusiasts in Crooked Brook Forest, and
- Visitors to Wineries, Breweries and Bakeries,
- Residents and neighbours

3.8 VEGETATION

Whilst the Development Application correctly claims that the proposed expansion does not include clearing of vegetation, it omits to mention that there will be significant impacts on the vegetation and flora of the adjacent and contiguous Dardanup Conservation Park.

3.8.1 The Dardanup Conservation Park

Immediately adjacent to Cleanaway’s site, with absolutely no buffer zone, is the Dardanup Conservation Park, an area of exceptional conservation value with high flora diversity, endemic species and a number of threatened ecological communities. It is one of only two or three remaining remnants of the vegetation communities of the Whicher Scarp. It also provides important remnant habitat for threatened flora and fauna species including Western Ring-tailed possums, Phascogales, banksias and orchids.

There is significant degradation of the vegetation adjacent to the shared boundary, most likely caused by some all of the following causes,

- erosion and storm water flow from inadequate boundary drainage,
- dust emissions causing foliar damage
- introduction of dieback by earth moving equipment during initial construction, and/or
- rising or contaminated groundwater.

3.9 LEACHATE

The Tonkin Leachate Balance Assessment Report, (Appendix 19 of the IW Projects Report) states alarmingly that “The balance model found that leachate generation exceeds the disposal capacity of the existing infrastructure in all stages of the sites operation and closure and suggested that the ponds may need to be covered during the winter months to reduce leachate generation.

A comparison between the model and site data for the period between November 2020 and February 2021 suggested that a balance between leachate generation and disposal was being achieved and was **not in agreement** with the volumes of excess leachate modelled.

This gives DEAG little confidence that major spills will not occur in the future with devastating impacts on the surrounding agricultural land.

3.10 REHABILITATION

The rehabilitation plan is confusing and difficult to follow. Whilst Section 3.2.10 of the Development Application states that; the cells are proposed to be completed in the order of Cell 12A, Cell 9 and Cell 10 and that when the proposed cells are filled to capacity, the waste surface within the landfill cell will be capped and rehabilitated.

The Development Application then explains that Cleanaway has developed a model in light of future landfill cell construction and landfill cap staging plan which states that capping for each of these is proposed to commence in January to March 2025 for Cell 12A and December 2031 to March 2032 for Cells 9 and 10.

Appendix-G-Banksia-Road-Landfill-Rehabilitation-and-Closure-Plan of the Development Application shows a Ten Stage Rehabilitation starting with a six-stage rehabilitation of the existing cells (1,2,3,4,4B, 5,6 & 12) with the future 12A included in Rehabilitation Stage 3 Plan - does this mean Cell 12A will be completed and rehabilitated before existing cells 12, 4B, 3, 4 and 6?

The plan also shows another 3 stages and 9 cells are to be rehabilitated after Cells 9 & 10.

There is no description of the overall sequence, will revegetation be done immediately or just the capping? If revegetated, can it be successful whilst landfill operations are ongoing beside these areas?

How will revegetation of the landfill cells be integrated with rehabilitation of the Tronox Refinery Residue cells – is it appropriate to have a cell containing radioactive waste at the foot of a large landfill slope?

Further detail is required on how this will be implemented.

It appears that from now until the final cell is completed in 2051 the top of the waste will be exposed to some degree. It is not clear if revegetation will occur progressively or if it will all occur following the capping of the final cell in 2051 (The Leachate Balance Assessment Report)

Whilst the Development Application explains how capping and rehabilitation of existing cells (1,2 & 5) and 12A will be prioritised, it fails to specify how long after capping of Cells 9 and 10 commences in 2013 that it will be finally rehabilitated.

The Development Application also states “In the long term, the proposed top of cell height, 149 AHD (including capping) will form a slightly higher skyline from some views. This will be observed as an integral part of the rural landscape.”

This is incorrect, the drawing in Appendix-G-Banksia-Road-Landfill-Rehabilitation-and-Closure-Plan clearly shows that RL149 m is the Top of Waste. Once it is capped it will be at least 151m.

(Appendix ORD: 12.2.3D)

DEAG Submission on Cleanaway Development Application

There has no risk assessment done on the plan;

- what will be the mortality rate of seedlings?
- will the slopes of 1:3.5 (28%) be stable?
- can erosion gullies be prevented in extreme rainfall events?
- is it possible to plant “woodland plants” on such a steep slope?

The DMIRS Guidelines for Waste rock dumps state that; in general, more dispersive materials, poorer topsoil and high dumps will require flatter outer slopes. Only the best conditions and stable materials would justify slopes approaching 20 degrees.

By mining standards, the material is highly dispersive and the dump high, yet slopes of 28% are proposed.

There is significant risk that the site will remain a virtually bare eyesore until well after closure of the site in 2051. Even after final closure it is highly likely deep erosion channels will occur on the side slopes, carrying silt and contaminated water into the surrounding environs.

An inferior rehabilitation effort will have long term catastrophic effects on the amenity of the area, on the agricultural and viticulture businesses in the area, tourism, and the community in general.

4. SOCIAL AND ECONOMIC IMPACTS

Since the establishment of the Landfill there have been significant impacts on planning and **land use** in Dardanup and Ferguson Valley. The Cleanaway site is now four times the size of Dardanup township footprint, and threatens the reputation of this prized agricultural and tourism destination.

4.1 BRANDING - REPUTATIONAL IMPACTS TO BRANDING OF FERGUSON VALLEY AND DARDANUP

Dardanup and the Ferguson Valley hosts a wealth of environmentally sustainable business pursuits from intensive viticulture to high quality produce from Dardanup Butchering Company, Ferguson Valley Milk or Ferguson Valley Truffles. These along with honey, cheese, marron, and citrus are all marketed as the best quality.

If expansion of this site continues, major producers and employers in the area may soon have to reconsider their branding.

Enormous efforts have been made by WA Tourism, Ferguson Valley Marketing and the Dardanup Shire to promote the Ferguson Valley as their jewel in the crown. If the site continues to expand then this will all have been in vain as the presence of landfill invalidates the claims of clean, green produce.

See also fergusonvalley.net.au for an understanding of this unique area.

DEAG urges JDAP to recognise the importance of these local businesses to the region and the importance of the credibility of their Branding to this, and refuse this proposal as detailed in the Development Application and supporting documents.

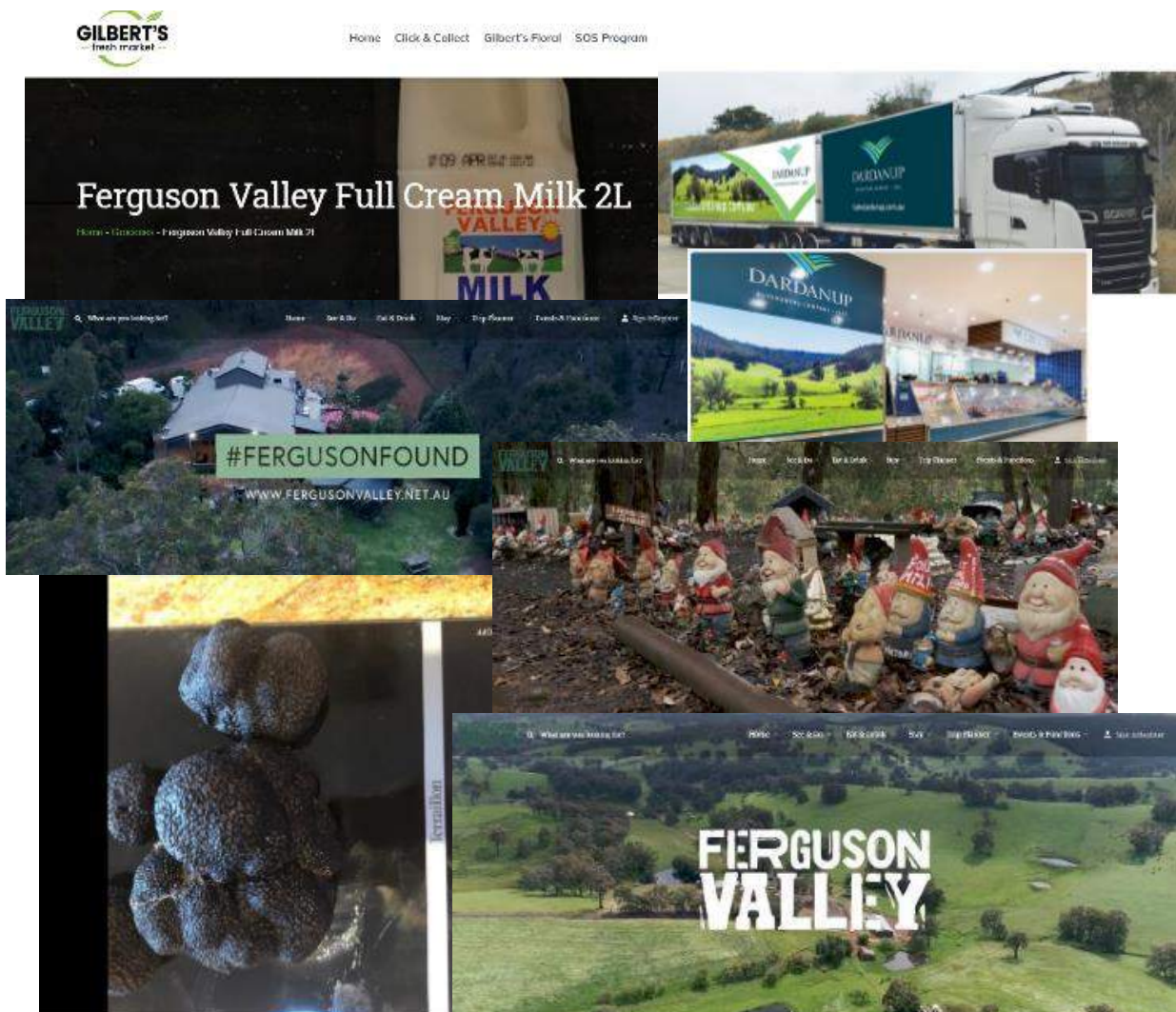


Figure 7; Clockwise from top left: Ferguson Valley Milk, Dardanup Butchering Company Truck and Shopfront, Gnomesville, Ferguson Valley Marketing Website, Ferguson Valley Truffles, Ferguson Valley Found Festival

4.2 TOURISM AREA AND OTHER BUSINESSES

Ferguson Valley is a renowned and much awarded tourism region – it promotes an eco-tourism, high end angle, and boasts accommodation from boutique B & B's to chalets, multi award winning wineries, restaurants and boutique breweries. It is the first stop off on the SW tourism route.

The area is a Social Asset, and businesses are growing exponentially, and Tourism is an extremely important employer in the area. Tourism is known to boost the area's economy more than any other industry. Studies confirm that on average 91 cents of every dollar spent by a tourist is on-spent in the immediate area. No other industry comes close to this.

Ferguson Valley is arguably among the most beautiful rural landscapes in WA. An insidious landfill in the centre of the panorama will compromise the valleys reputation with a flow on effect of reducing tourist numbers, resulting in a negative impact on business and service providers.

DEAG urges the JDAP to agree with the 3100 or more people who have petitioned the WA Government for the end to any expansion of landfill in the area and also for a three-year exit plan to be actioned for landfill operators to close down the site completely.

Lack of proper and orderly planning decisions of the past can and must be rectified without delay.

4.3 IMPACT ON SOCIAL ASSET AND AMENITY IN THE SURROUNDING AREA

DEAG urges JDAP to refuse the application in support of the following important local social assets and amenities

- Clean unpolluted environment which is highly valued by **beekeepers** – bees are the future of many agricultural pursuits and are incredibly precious
- Roads used by at least three major **cycling** groups with many competitions and events (listed in detail above) together with independent road cyclists
- Roads and venues used by a wide range of **special interest clubs** such as Classic Car Clubs who tour the valley socially
- An area to be explored and enjoyed by thousands of **hikers, caravanners and campers.**
- An escape from the towns and cities for **mental health and recreation**

5. NOXIOUS OR HAZARDOUS INDUSTRIES/WASTE

While it has been studiously avoided being mentioned in the Development Application, the site is not used exclusively for landfilling Category 64: putrescible landfill but also incorporates a Category 61 liquid waste facility.

As discussed previously, the two operations are intrinsically linked, sharing infrastructure, monitoring networks and operational management. It is disputable whether or not the solids residue from Category 61 liquid waste facility containing Technically Enhanced Naturally Occurring Radioactive Material (TENORM) should be stored at a Class III Landfill site; the *Landfill Waste Classification and Waste Definitions 1996* indicating it should be stored in a Class 5 facility.

In respect of the Shire of Dardanup Local Planning Scheme No. 3 (LPS3) the Category 61 liquid waste facility should be classified as a **noxious or hazardous industry** (an industry which, by reason of the processes involved or the method of manufacture or the nature of the material used or produced) that requires isolation from adjacent land uses due to its off-site impacts.

5.1 CATEGORY 61 LIQUID WASTE – A NOXIOUS AND HAZARDOUS WASTE

We believe the processing of this type of waste is outside the scope of Cleanaway's license and should be reviewed. The licence allows for the processing and disposal of 353,000 tons per annum of Category 61 liquid waste produced on other premises (other than sewerage waste) is stored, reprocessed, treated or irrigated.

In this case it is the solid only from the liquid waste which is stored.

The solid waste is treated solid residues from the Tronox Kemerton Titanium Dioxide Processing Plant. This residue contains Technically Enhanced Naturally Occurring Radioactive Material (TENORM) and typically contains on average 200ppm Uranium and 1,000ppm Thorium, (though may run to 300 ppm Uranium and 1,300 ppm Thorium on occasions. *The solid waste is basically the same radioactive waste which have historically created all sorts of issues at Geraldton, Capel, Dalyellup and the Leschenault Peninsula.* The liquid waste is removed from site and returned to Kemerton and eventually disposed of by ocean discharge.

The Category used for this is inappropriate and does not address the risks associated with storing residues containing TENORM. It is well established that the refining of mineral sands concentrates, mobilises the radioactive and heavy metals making them much more likely to pollute water sources.

The *Landfill Waste Classification and Waste Definitions 1996* use Radioactive waste as an example of intractable waste which can only be disposed of in a Class V facility. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is the Australian Government's primary authority on radiation protection and nuclear safety, and addresses the requirements for disposal of this type of material in the ARPANSA *Code of Practice & Safety Guide for the Near Surface Disposal of Radioactive Waste*, refers to the *Near Surface Guide* "which provide an alternate disposal regime where disposal at the mine site is inappropriate or impracticable". This Code has been ignored at Banksia Road.

DEAG appeals to JDAP to consider the site in its entirety, including the interactions and overlaps with the liquid waste facility when considering the Development Application to ensure the legal and planning implications are appropriate for the site.

DEAG urges the JDAP to review the planning and location aspects of this document and to refuse further expansion on this site due to the listed point in Table 2

5.2 MANAGEMENT OF INDUSTRIAL WASTES

Landfill that takes up valuable space in heavily populated or growing regions need to be relocated to more stable and sparsely populated areas inland, and industrial wastes such as Refinery waste should never be allowed in Landfill but should always be sent back to the Mine Sites or Intractable Waste facilities.

All Shires should be able to provide their own municipal landfill facility, which will serve as an incentive to reduce waste in their Shires and Towns. City waste should never be trucked 200 kms or more to a picturesque tourist destination.

6. CLIMATE CHANGE - CONSIDERATION AND PLANNING

WA's government and state planners have started to consider the consequences of Climate Change.

Issues associated with this site which will be impacted by Climate Change include, but are not limited to;

1. This application's "Storm Water Management Plan" is based on averaging of weather events. With Climate Change upon us, this is inappropriate, these plans should be based on 100-year extreme events at a minimum.
2. Leachate planning is based on fifty-year average rainfalls – ponds do not overflow based on annual averages but on short term abnormal and extreme events which will become more frequent.
3. The Environmental Management Plan is using "Climate Classification of Australia Map, Bureau of Meteorology, Commonwealth of Australia, 2005" which may not be appropriate as the "latest weather resource" as we were led to believe from the planning summary document
4. Burning off landfill gas is not environmentally acceptable and other methods of storage / collection should be implemented
5. Methane emissions affect plant root development and causes stress to surrounding vegetation (both Conservation Park and any revegetation)
6. Extreme summer heat and winds will exacerbate bush fire dangers and make it more and more difficult to protect surrounding communities from fire catastrophe emanating from this growing site.
7. Higher temperatures and increased winds, on a more exposed altitude, will also increase the frequency and extent of dust emissions.
8. Extreme rain events will cause more erosion on the faces of this landfill mountain and risk overflow of leachate ponds.

7. CONCLUSIONS

The DEAG Committee have spent a considerable time reading and reviewing documents to prepare this submission. After reviewing the Planning Policies applicable and subsidiary legislation we have determined that the Development Application is incongruous with General Farming zone in LPS3, exceeds the height limitation in Lot 2 LPD, and fails to comply with SPP2.5 Rural Land Policy objectives, protection of rural land and land uses, environment and landscape attributes. It does not meet the requirements stipulated for Regional Facilities in SPP2.5.

Additionally, the Development Application does not meet applicable Legislation requirements, guidance and policies for other regulatory bodies– EPA Planning Guidance Statement 33, PDWSA, Victorian BMEP for Landfills, Code of Practice for Near Surface Disposal of Radioactive Waste.

DEAG consider that this facility falls into the category of industry – noxious and hazardous, which is prohibited in general Farming.

There is no sound reason for the applicable legislation to be disregarded. We request that JDAP apply the principles of proper and orderly planning and refuse the Development Application as it does not comply on planning grounds.

Considerable effort was put into reviewing Cleanaway’s Development Application and the many appendices and supporting documents. Many claims by Cleanaway in the Development Application and the supporting documentation are misleading, lack clarity and are incorrect.

These anomalies have been highlighted in the submission. Community concerns are not limited to the off-site impacts such as dust, odour, noise and traffic and the distressing visual obtrusive impacts of this facility. There is genuine concern for the health and amenity of residents from the toxic waste residue, which cannot be separated from the Tronox Cells storing radioactive waste material and the risk to the aquifers below the site which supply area’s drinking water. Liners often fail and, certainly, will not outlast radioactive waste.

In the interests of proper and orderly planning, a cumulative assessment should be recommended by JDAP before further expansion is contemplated. This is in line with LPS3 for non-conforming uses. As the EPA and DWER are currently conducting formal assessments and reviews on this facility this would allow a whole of government review.

Land use in the region is changing. The Ferguson Valley is a major tourism venue and the Dardanup and Ferguson Valley region enjoys a reputation for high quality agricultural produce. Existing and future agricultural and tourism businesses are impacted by this planning anomaly. Visitors enjoy hiking and bike-riding, bird watching, driving around and appreciating the bucolic landscape. The community believes that, at four times the size of the township, the Cleanaway site is beyond its capacity and a closure plan should be developed. Without Planners and Regulatory bodies applying the applicable Legislation and refusing inappropriate expansion at this site we will be confronted with an ugly mountain 1km long and 600m wide with an height of 151m AHD as is proposed in Cleanaway’s future plans.

For the above reasons we submit that the Development Application should be refused.

8. KEY DOCUMENTS AND REFERENCES

The following documents were used or referred to in the development of this submission

KEY DOCUMENTS

Harley Dykstra, 2021, *Development Application Lot 2 Banksia Road Crooked Brook*
Appendices

- A Certificate of Title (Lot 2)
- B Development Plans
- C IW Projects Works Approval Application Supporting Documentation
Incl. *I.W Projects Works Approval Application Supporting Documentation, Appendix No 10 - Cleanaway "Environmental Management Plan"*
- D Stormwater Management Plan
- E Strategen JBS&G Banksia Road Landfill Dust Management Plan
- F EPCAD Landscape and Visual Assessment
- G Banksia Road Landfill Rehabilitation and Closure Plan
- H Tonkin Banksia Road Landscaping Plan
- I Bushfire Prone Planning Bushfire Management Plan
- J Herring Storer Environmental Acoustic Assessment

Licence number L8904/2015/1, Cleanaway Solid Waste Pty Ltd, Department of Water and Environmental Regulation

Golder Associates, 2015, *Desktop Review and Conceptual Site Hydrogeological Model*

LEGISLATION AND GUIDELINES

Landfill Waste Classification and Waste Definitions 1996 (as amended 2019), Environmental Protection Act 1986, Department of Water and Environmental Regulation

EPA Regulation Schedule 1 – Prescribed Premises & Landfill Waste Classification and Waste Definitions 1996)

PLANNING POLICIES

State Planning Policy No. 2.5: Rural Planning (SPP 2.5).

Shire of Dardanup Local Town Planning Scheme No 3 (LPS 3).

'Local Development Plan Lot 2 Banksia Road, Crooked Creek, Dardanup' (LDP)

DWER Land use compatibility in public drinking water source areas

Water quality protection note (WQPN) 25:

Drinking Water Protection (PDWSA)

Draft Bunbury-Geographe Sub-Regional Strategy 2020

GUIDELINES

ARPANSA *Code of Practice & Safety Guide for the Near Surface Disposal of Radioactive Waste*

Government of Western Australia Department of Mines, Industry Regulation and Safety Version 2.1 August 2021 *Guidelines for Waste rock dumps*

EPA Victoria, *BPEM, Siting, Design, Operation and Rehabilitation of Landfill*, August 2016

EPA Western Australia, *Guidance Statement No.33 - Environmental Guidance for Planning and Development*. May 2008

APPENDIX

HISTORY OF THE SITE

Political and SAT Impacts, and the Shires LPS and TPS, and the upcoming TPS9

1999 South West Disposals sought approval to establish a solid waste facility on Lot 2. A community meeting was very much against this, and the Council refused the application. This refusal resulted in an appeal through the State Administrative Tribunal (SAT), with Minister Graham Kierath, determining in favour of the approval. Minister Kierath noted it was logical to use an extractive industry void on the site to inter rubbish, and the approval was granted for ten years with reasonable conditions that the Shire may see fit to impose. The Shire Council approved the site for a Class 2 tip, with conditions.

2005 The Dardanup Shire received an application to upgrade the Class 2 Landfill to a Class 3. Community consultation by the Council, once again resulted in strong opposition to the proposed expansion. Opposition is much more than “not in our backyard” – local knowledge of the site regarding the amount of winter rainfall that falls across the block, which drains directly downhill, onto the adjoining Swan Coastal Plain, and into the superficial aquifer which interacts with the semi-confined Leederville Aquifer.

The Council refused approval to upgrade to Class 3 and to grant permanent development approval for use of the site for a landfill facility.

2006 The waste site operators, South West Waste, appealed to SAT once again. The appeal was upheld, granting approval for a Class 3 license, extending the life of the landfill facility indefinitely and restricting operating hours to 7am to 9pm.

Both appeals to SAT resulted in the Shire having to pay the costs of South West Waste. This appears mostly due to the lack of substance submitted by the Shire in defence of their refusals of the development applications. On the second occasion SWW submitted what the Shire considered as excessive costs, and this was taken before SAT again, which subsequently determined a much lesser amount.

South West Waste joined with Cleanaway and since 2006 there has been a steady stream of applications and approvals given for new landfill cells and leachate ponds. Despite continuing public opposition, the Shire was now wary of the costs of appeals to SAT, and simply approved the applications.

2016/17 Dardanup Shire Council sells Lot 81 Marginata Way (Shire’s transfer station and site of old landfill site) to J&P Corporation (owner of Lot 2) for a considerable sum

2018 In May the community made a concerted stand against an approval application for yet another large waste cell and leachate pond for titanium tailings from Cristal Millennium. Public concern became heightened by the realisation of the sheer size that the waste facility is developing into, and the volume of waste being interred in a significant ground water recharge area.

In December, the Shire received another three applications for approval to build another waste cell and leachate pond, extend operational hours to 24 hours per day, and change the Class 3 license to that of ‘Waste Disposal Facility.’ Over 900 hundred written submissions were received by the Shire, opposing all three applications

2019 - Community suspicions were aroused well and truly. We became aware of a separate application to the Dept of Water & Environmental Regulation (DWER) for the storage of lithium tailings at the Waste Facility. When the lithium production plant at Kemerton is fully operational, there will be up to 1 million tonnes of tailings produced per annum – most of which was expected to be sent to Dardanup!

March 2019 - The community is now really angry. A special electors meeting was demanded, and 276 registered attendees, plus more who had to stand outside, expressed their opposition to the applications and continued growth of the waste facility in this location.

26 March 2019 – DEAG formed in response to community concerns about Lot 2 Banksia Rd and the Waste precinct.

Community representatives met with DWER personnel in Bunbury and made written submissions against the proposal to store the tailings in this location.

DWER referred the Lithium tailings storage application to the Shire for their approval, and this was not given.

(Appendix ORD: 12.2.3D)

DEAG Submission on Cleanaway Development Application

April 2019- The DWER application was put on hold, and Cleanaway withdrew their three development applications, advising that they would now be making a submission to the Joint Development Assessment Panel (JDAP) for planning approvals.

July 2019 – Go Slow protest organised by the community- 121 vehicles participated

October 2019 – Cleanaway applied to increase tonnages to 350,000

Nov 2019 – Cleanaway withdraw Works applications to store Lithium tailings.

March 2020 – Cleanaway applied for an increase in tonnages and DEAG and other residents appealed. Appeals Convenors interviewed those that had appealed.

Sep 2020 - Cleanaway applied for a further increase in tonnages to 390,000 with many community members making submissions against this. DWER advised that they were intending to refuse this application and subsequently Cleanaway withdrew their application. **DWER have also advised that they would be undertaking a review of Cleanaway's licence.** Community members will be contacted by DWER seeking input into the licence review.

October 2020 – DEAG organised petition which was presented by the Hon Colin Holt MLC to the Legislative Council opposing any continuation of landfill or storage of refinery waste at the Banksia Rd Waste Precinct (includes Lot 2 Banksia Rd plus Lot 81 Marginata and other lots adjoining). DEAG also asked for planning guidelines similar to all other States that considers the location, design and management of landfill sites. 2644 people signed this petition.

November 2020 - Cleanaway submitted a Environmental Management Plan (dust, revegetation, noise) to the Shire of Dardanup for the landfill facility on Lot 2 Banksia, Road. This Plan has not been approved by Council.

November 2020 Cleanaway fined \$25,000 in Bunbury Court. DWER prosecuted due to breaches at Lot 2 Banksia Rd

January 2021 DEAG organises concert fundraiser at St Aidan's Winery and Restaurant.

January 2021 DWER hosted community engagement sessions as part of their review of the Cleanaway licence

March 2021 Shire refuses Development Application submitted by Cleanaway for retrospective approval for over burden stored on Lot 81 Marginata Way and resulted in SAT

March 2021 – 2nd "Go Slow" demonstration organised, 90 vehicles participated. Firey Productions filmed for use in proposed video.

April 2021 Petition rebooted, linked to previous petition and presented to the Legislative Council

April/ July 2021- Cleanaway referred an application for the development of 3 new cells to the EPA. Submissions from community opposing this.

May 2021 – DEAG video released on DEAG facebook page showing community concern

May 2021 – Dardanup Shire proposed a Local Development Plan for Lot 2 to implement controls such as a buffer, height, fencing, etc. Submissions from community. LDP accepted by Council.

June 2021 – Work commences on Cleanaway's bund walls on the Southern boundary to remediate erosion in the Conservation Park after considerable community complaints over many years to DPAW, DWER and the Shire

August 2021 – **EPA agrees to a Public Review of Cleanaway's expansion plans.**

End of 2021 – community awaiting the release of Shire of Dardanup TPS No. 9 and prospect of Waste Precinct now a Special Use Zone. Council endeavouring to implement controls. Community still adamant that we don't want to see any expansion outside Lot 2

(Appendix ORD: 12.2.3D)

From: [Suzanne Occhipinti](#)
To: [Cecilia Muller](#)
Subject: Submission - Dean
Date: Monday, 13 September 2021 8:17:24 AM

From: Rod <rodqeg@live.com>
Date: 10 September 2021 at 3:30:49 pm AWST
To: submissions@dardanup.gov.wa.au
Subject: Re Submission regarding Cleanaway Expansion Application!

10/09/21

To whom it may concern,
Please be advised being a resident of the beautiful Ferguson Valley tourism district my husband and myself and neighbours are very concerned regarding the application from Cleanaway for a expansion to our local landfill at Banksia Rd, Dardanup.

It is very dangerous already with continuing amounts of trucks on our roads growing and our tourists trying to manoeuvre along between the movement. How ridiculous to invite people to visit our area than swamp them with a huge mountain of rubbish growing daily and traffic of garbage trucks on the move.

Please be very forceful in challenging Cleanaways expansion to the JDAP on our and the people of Dardanup and Ferguson behalf. We are on the verge of losing a quiet peaceful bit of our best tourism opportunity's if the expansion is approved.

The mountain of rubbish is already visible from Bunbury and is now becoming a real environmental threat to the South West.

Thanking you kindly,

Rod & Debbie Dean
Lot 134 Greenwood Heights, Ferguson 6236
0428 944 341

(Appendix ORD: 12.2.3D)

Dear Chief Executive Officer,

I am writing with regards to the Cleanaway landfill expansion application.

Firstly, I am deeply saddened that this is even a possibility for our lovely town.

There have been problems with the existing site, and we rely on our bore for water that we drink. If the aquifers get destroyed, this will effect so many people in the surrounding areas. Not only for stock water, but for reticulation, dams, and of course house and drinking water. Since Cleanaway has already had several issues with site contamination, I can't imagine what environmental disasters would occur if this goes ahead.

Ferguson Valley is being heavily promoted as a growing tourist destination, but I don't know anyone that would want to go visit a place with a visible landfill—we would lose tourists, and thus businesses. The dust and air pollutants are already a problem for people that live close to the tip. I've ridden my horse on the trails in the bush bear there, and the amount of biting flies present because of the top is ridiculous and makes it not enjoyable. I can't imagine the additional amount of air pollutants, and the potential health risks to all of us in Dardanup and even surrounding towns.

Dardanup shire recently put out their 10-year development plan for Dardanup town site. But who would want to live in the town site when the view is a landfill?

There are so many other locations inland where there is not a town so very close by that would surely be suitable for landfill. Somewhere that it won't destroy tourism for the town, or fatally contaminate their water supply, or pollute the air we breathe. I find it appalling that this application has got as far as it has. Is it all about the money? If this application gets passed, I personally will be contacting the media to investigate.

I hope this application is swiftly denied.

Regards,

Natalya Dobias

29 Keenan road, Dardanup West

(Appendix ORD: 12.2.3D)

Cleanaway DAP submission

LACK OF ORDERLY AND PROPER PLANNING

The situation at Banksia Rd Landfill Facility is a result of lack of proper and orderly planning.

Historically, this facility was put in place by Ministerial Decree, in opposition to Local Government and community wishes.

It has grown exponentially through many Amendments and Licence Applications since Cleanaway took over the facility in 2006. The cumulative impacts of dozens of expansion applications through avenues that avoid scrutiny against various Legislation should no longer be dismissed by decision makers.

Had this facility been planned in an orderly manner, and due diligence had been applied by planning and environmental government instrumentalities at any stage of its chaotic expansion, it would have been clear that the siting of the facility was flawed and expansion at this site should be disallowed.

Whilst Regional Facilities, such as Landfills, are permitted on Rural Zoned land, this facility does not comply with any of the requirements that are stipulated under Rural Zoning Guidelines 2.5. It does not comply with requirements under Environmental Guidelines No 33, which guides planning for regional and local governments. Nor does it meet the requirements for Victorian BMEP, which have been required since they were accepted by DEC in 2011.

It is time that the Government-led imperative to keep existing landfill operating and avoid creating new landfills was subjected to a thorough independent investigation with regard to continuation of waste acceptance at this location. Further growth on this inappropriate site would disregard the requirement for decision makers to apply proper and orderly planning.

The Cleanaway facility poses significant issues for neighbours, the community in general, tourist operators, the regional water supply, Dardanup Conservation Park, and rural land use.

Amongst the number of planning and environmental factors which have been ignored at this site is a realisation of the seismic activity on this fault line. The landfill is located on a fault line which, according to recent media reports has become quite active with thousands of small quakes recorded since September 2020. This is of particular concern because the Landfill cells have been created using mound design. This is not permitted by Vic BMEP as it has resulted in many waste and tailings failures eg Brazil's iron ore. It puts the aquifers beneath the site at serious risk from contamination due to failure of the liners

I ask that the DAP reject Cleanaways project proposal for additional cells and additional height of the cells and refer this facility to a proper and orderly cumulative review.

William Elliott
41 Wellington Mill Rd
Upon Valley



FERGUSON VALLEY MARKETING INC

21 September 2021

Mr. Andre Schonfeldt

CEO, Dardanup Shire Council

PO Box 7016

EATON WA 6232

Dear Andre

RE: CLEANAWAY PROPOSED EXPANSION

Our Attention has been drawn to Cleanaway's application for expansion to increase the height of its landfill facility. Ferguson Valley Marketing are of the understanding that Cleanaway's application is for an almost fifty percent height increase from the existing height above Banksia Road with the finished height being 177m above sea level and the actual height of the landfill being 151m.

As a tourism organisation, Ferguson Valley Marketing feel that it is important that the Shire of Dardanup take into consideration the following:

- a. **Impact on business** – The Ferguson Valley is the “crown in the jewel”, “the hidden gem” in the region, and considerable effort has and continues to take place to promote the Ferguson Valley and surrounds for, but not limited to, its pristine environment, unique scenery and diversity in activities available to all those who visit. Businesses have placed themselves in this area for these reasons and attract visitors accordingly. However, Cleanaway's application for expansion will have a direct impact on a number of businesses who pride and promote themselves on the pristine nature, beautiful vistas of the Ferguson Valley. Cleanaway's application **will** directly impact on this and have a negative impact on the businesses and visitors who will be left with a negative image being one of a pristine valley exposed to increased amounts of landfill. It is unclear and difficult to quantify what the financial impact of this would be to business or the potential to draw other business ventures into the Ferguson Valley, but it can only be negative.
- b. **Reputation** – The Ferguson Valley has been promoted as “a hidden gem”, an alternative to Margaret River via various campaigns in conjunction with Australia's South West and the Tourism Council Western Australia. It is unique in an ever changing world, yet Cleanaway's site is in total contradiction to what visitors expect to see in the Ferguson Valley and the way it has been promoted. The inability to hide the site due to its sheer size is detrimental to tourism businesses, the value of businesses and land owners and the potential to draw new businesses and employment into the area.

(Appendix ORD: 12.2.3D)

- c. **Tourism** – The Ferguson Valley and surrounding areas is not only a draw card for visitors but also plays a large part in the local economy both direct and indirect. Considerable campaigning and work has gone into promoting the Ferguson Valley. The recent Lost & Found campaign is a prime example of the efforts made to draw visitors from outside of the region. Its success will enable it to continue in future years, however, landfill sites are not what people expect or wish to be exposed to when visiting.

Ferguson Valley Marketing ask that the Shire of Dardanup do not support Cleanaway's application to increase the height of the landfill as the impact of this will not only have a direct impact to visitors, business and land owners. It is also questionable what the total implications of such a site will have for generations to come.

Should you have any queries in relation to this matter please do not hesitate to contact me.

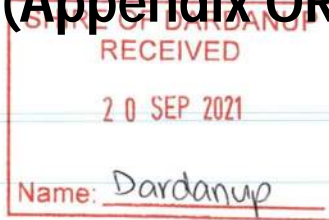
Yours sincerely



WENDY PERDON

Chair

Ferguson Valley Marketing Inc



16/9/21

chief Executive. officer.
Shire of Dardanup.
P.O. Box 7016
Eaton .w.A. 6232.

26 Ogden St
Collie. w.A.
6232.

RE: notice of development assessment Panel application.
for waste cells 9, 10 and 12A at the cleanaway
Landfill facility at lot 2 Banksia RD Crooked Brook.

Been the owner of the Good lot 2 Banksia. RD.
I object to increasing the final Height of the new
waste cells. 9, 10 and 12 at the cleanaway Dump

At the present time you can see chimps of the Dump.
from Raymond RD.

So increasing the height to 149m.

The Dump will be clearly visible from the
new "BORR" when it is finished.

I feel visitors coming to experience the tourist
attractions in the area eg:

The Brewery/winery, food attractions in the
Ferguson Valley/ Paradise Country not to view
the highest Rubbish Dump in the SW.

I asked the DA shire to keep this in mind.
When considering the cleanaway Proposal.
to increase the finished height of the
Dump.

Any question please phone me on 97343558.

Yours Sincerely,
Ross Ferguson

ROSS FERGUSON

(Appendix ORD: 12.2.3D)

To Whom It May Concern

I am writing to express my opposition to the planned expansion on the Dardanup Landfill site, as proposed by Cleanaway. I am a regular visitor to Dardanup and the beautiful Ferguson Valley. However, the ever expanding tip is an eyesore and the large trucks constantly dumping domestic and commercial waste, including radioactive material, from Perth and the South West, are a blight on the area. The tip is located next to land rich in wildlife, which now have to suffer through the continual noise, dust pollution, smell and plagues of flies, as do the residents. Where I stay is greatly diminished by the proximity of the dump site and I have no doubt that other tourists think twice about staying in Dardanup.

The new proposal extends the site not only in area, but also in vertical height, making the tip the ugly landmark that will be visible for kilometres. There is no doubt that increased landfill in Dardanup will have a negative effect on tourism, local businesses and housing. The Ferguson Valley tourist scenic drive along Henty and Pile Rd will have an embarrassing view of a waste dump mountain. But more importantly, I am concerned about the environmental impact. How could this be allowed so close to ground water aquifers? It is not reasonable to dump Perth's and the South West Region's waste problems into fragile country environments and, therefore, this proposal needs to be rejected. Further, I believe the existing site needs to be reviewed and an end put to using Dardanup as dump for other area's waste. Our planning and environmental authorities should be ashamed for allowing this in the first place.

Regards

Pauline Floate

0418431085

9/9/2021

(Appendix ORD: 12.2.3D)

From: [Helen Frame](#)
To: [Submissions Planning](#)
Subject: RE : Public Notice - Cleanaway DAP Application Report - 22321 DA Report - Waste Cells -Ver F
Date: Wednesday, 22 September 2021 2:30:33 PM

Attention : Dardanup Shire Submissions

Please note my objection to the Cleanaway DAP Application for Waste Cells 9,10 and 12Aat Lot 2 Banksia Road, Crooked Brook

I object to any further development at the current Dardanup waste management facility or any adjoining Lots earmarked for waste management purpose.

Should the development of the aforementioned cells be approved then I object to any increase in height to the proposed 149m AHD from the previously approved maximum height.

Furthermore I object to accepting the same level of Dust and Odour control should there be any increase in dimension, size or cell numbers or in any other fashion to the current waste disposal site, these currently require improved control and should be reviewed.

Regards
Helen Frame
100 Harold Douglas Drive
Dardanup West WA
6236

(Appendix ORD: 12.2.3D)

From: [Jordan Gibbs](#)
To: [Submissions Planning](#)
Subject: Public Comment on Development Assessment Panel Application for Waste Cells 9, 10 and 12A at the Cleanaway Landfill Facility at Lot 2 Banksia Road
Date: Tuesday, 21 September 2021 9:17:58 PM

Dear Andre Schonfeldt,

I am writing in regards to the Public Notice for the Development Assessment Panel Application for Waste Cells 9, 10 and 12A at the Cleanaway Landfill Facility at Lot 2 Banksia Road, Crooked Brook.

My family have lived in the Ferguson Valley and Crooked Brook area since the 1850's. As a child my school holidays spent on my grand parents farms were some of my most treasured memories. Unfortunately the ongoing development of the waste disposal site at Lot 2 Banksia Road has created an eye sore on the picturesque drive into these tourist areas. I can't help but be disappointed when driving in the area and seeing the large earth embankments protruding above the tree line. With the application seeking approval for an increase of almost 50% to 149m AHD the situation will only get worse.

Approval of this proposal will also adversely affect the growing tourism and wine industry in the Ferguson Valley area. Last year a significant number of signs were installed across the southwest directing tourists to the "Ferguson Valley Tourist Drive". This drive runs along Ferguson Road and past the proposed development area. How are the local businesses and tourist operators expected to explain the mountain of rubbish in the so called tourist area? The Dardanup Shire's Vision 2050 document for future development lists tourism as one of the five pillars of the Shire's economy. Ruining the entry to one of the key tourism areas will not help encourage visitors to visit nor return for multiple visits. Especially when the final height of the waste development will likely be visible from the roads and bridges of the Bunbury Outer Ring Road, the key road used by future southbound tourists. Again, the Vision 2050 document states 90% of respondents support further promotion of tourism within the Shire, whilst the document lists the Ferguson Valley Tourism Area as a specific land use and therefore key to growing tourism opportunities in the Shire. This emphasises the importance of protecting not degrading this key tourism asset as highlights the residents support for growing this tourism location.

The Shire of Dardanup's Vision 2050 document claims Sustainability as a key aspiration with 91% of respondents supporting high tech recycling and waste processing facility. I would not call burying waste in the ground high tech waste processing and therefore the site is not in keeping with the Shire's own vision.

Cleanaway claim that the adjacent waste disposal site at Depiazzi Depot and the zoning of Lot 4580 as approved for waste disposal and processing to occur means that the site is located appropriately within the surrounding local content. As I am sure your aware the historical zoning was unlikely to consider the potential tourism opportunities within the adjacent area, nor was it likely expected at the time that the height of the waste disposal area would grow to a size visible from the surrounding tourism area. The report also fails to mention that the site is bounded on two sides by the Dardanup Conservation Park, an area specifically set aside for nature conservation which would be adversely impacted by wind blown rubbish and any potential spills or contamination from the waste processing site.

The Landscape and Visual Assessment report (Appendix F of the submission) states the District Landscape Area as "Landscape elements combine to produce a rich rural landscape that at times affords long and broad views from certain locations. However the maturity and density of vegetation often obscures long distance views." I would imagine the author of the report has not driven down Ferguson Road where the existing disposal site is clearly visible from the key tourist road as it sits higher than the referenced vegetation.

Under section 3.4 of the Landscape and Visual Assessment report it states that "no key viewing locations allow a broad open view of the site. The proposed landform to a total height of 149m AHD plus capping will still only be observed in glimpsed locations". This statement is false, an increase in height of the site by an extra 50% will be visible from both Pile Road and Ferguson Road. So unless the Shire is going to encourage tourist to enter the Ferguson Valley Tourist Area from Collie or Donnybrook then visitors to the area will have no choice but to be visually assaulted by this eye sore.

I'd also note that the report was developed and paid for by Cleanaway and was revised seven times by Cleanaway prior to submission to the council. Would the larger number of revisions be due to Cleanaway not

(Appendix ORD: 12.2.3D)

supporting the content in the original report? Perhaps the original reports were not so supportive of the visual impacts of the site.

The basis for the report is that in 2045 the site will be rehabilitated and no longer visible. However, it doesn't seem to consider the impacts before the completion of the rehabilitation (if it is successful). The visual pollution will have spent the last 20 years dissuading tourist from returning and impacting the growth of the overall tourism industry within the Shire.

When considering the Development is in opposition to the Shire's Vision 2050 and it's own aspirations of a Self Sufficient and Sustainable Shire promoting tourism, world class waste disposal, promotion of sustainable development practices and identifies the Ferguson Valley as a key tourism area I hope the Shire can see sense, follow the community outcry and put a stop to this development.

Thank you for taking the time to read my comments.

Jordan
10 Wellington Mill Road, Ferguson

(Appendix ORD: 12.2.3D)

From: [PETER GIUMELLI](#)
To: [Submissions Planning](#)
Subject: Cleanaway
Date: Tuesday, 21 September 2021 3:30:12 PM

To Dardanup Council.

We strongly object to giving any approval for the next stage of development to the Cleanaway expansion plans.

The Dardanup hinterland is a beautiful, healthy scenic tourist destination. It should not be desecrated by an ugly mound of waste which will destroy the beauty and the healthy environment of the area.

Landfill height will be visible from major tourist venues. We rely on welcoming visitors to our businesses for our viability. The mound will be visible from our winery and café.

Scars will impact on the landscape and this is an unacceptable intrusion.

Dardanup township's groundwater will be spoiled, despite the measures taken so far to stop this. It will affect the physical as well as the mental health of the residents.

Trucks delivering waste, noise, dust, fire hazards all contribute to the entire project a disaster for Dardanup and it's surrounds.

Peter and Margaret Giumelli
Ferguson Falls Wines and Cafe



Development Assessment Panels Secretariat
c/- André Schönfeldt
Chief Executive Officer
Shire of Dardanup
PO Box 7016
Eaton WA 6232
submissions@dardanup.wa.gov.au

Your ref: DAP/21/02063
Our ref: EW/CJW 40709



By post and email

23 September 2021

Dear Mr Schönfeldt,

Submissions – Development Assessment Panel application DAP/21/02063 for Cleanaway Landfill Facility – Lot 2 on Diagram 65861, Banksia Road, Crooked Brook

1. We act for the Dardanup Environmental Action Group Inc. (DEAG) in relation to the application to the Regional Joint Development Assessment Panel (JDAP) for three new waste cells identified as cells 9, 10 and 12A (Development Application) at the Cleanaway landfill facility at Lot 2 on Diagram 65861, Banksia Road, Crooked Brook (Lot 2).
2. The DEAG is an association of members in the Dardanup community that aims to maintain, preserve, and improve the community's quality of life and to protect and conserve Dardanup's natural environment.
3. Our client's submissions in opposition to the Development Application are set out below.

Summary

4. The Development Application wrongly characterises the proposed operations as a 'Use Not Listed' under the *Shire of Dardanup Local Planning Scheme No 3 (LPS 3)*. The use should be characterised as 'industry – noxious or hazardous' which is a prohibited use in the 'General Farming' zone under LPS 3. On this basis, the Development Application is incapable of approval.
5. Even if the use is correctly characterised as a 'Use Not Listed' as asserted by the proponent, the Development Application should not be approved because it is inconsistent with the objectives of the 'General Farming' zone under LPS 3.
6. The Development Application is also inconsistent with:
 - (a) the 'Local Development Plan Lot 2 Banksia Road, Crooked Creek, Dardanup' (LDP) as cells 9 and 10 exceed the height limit set out in the LDP by 31% and Cell 12A exceeds the height limit by 8%. These are significant departures from the requirements of the LDP; and
 - (b) the requirements that apply to a development application for a regional facility in a rural zone set out in State Planning Policy 2.5 Rural Planning (SPP 2.5).

(Appendix ORD: 12.2.3D)

7. The Development Application is inconsistent with LPS 3, the LDP and SPP 2.5. For this reason, it would be contrary to the principles of orderly and proper planning for the JDAP to approve the Development Application

Land use classification

8. Cleanaway Solid Waste Pty Ltd (**Cleanaway**) has applied for the Development Application on the basis that the use is categorised as a 'Use Not Listed'. Cleanaway also proposes that 'given the Development Application relates to the landfill operation on Lot 2, it is *ancillary* to the existing waste disposal facility use and consistent with the approved use not listed under TPS 3' (emphasis added).
9. Lot 2 is zoned 'Rural' under the Greater Bunbury Region Scheme and 'General Farming' under LPS 3.

Industry – noxious or hazardous use

10. Cleanaway contends that the proposed operations are properly classified as a 'Use Not Listed' for the purposes of planning assessment under LPS 3.
11. When determining whether a proposed use is a 'Use Not Listed' it is necessary to consider whether a proposed land use fits within a defined or known category of uses within the scheme. This approach is reflected in clause 2.4.2 of LPS 3.
12. The proposed uses in the Development Application are properly characterised as 'industry – noxious or hazardous', which is defined under cl 1.8.2 of LPS 3 as 'an industry which, by reason of the processes involved or the method of manufacture or the nature of the material used or produced, requires isolation from adjacent land uses due to its off-site impacts'.
13. 'Industry' is defined in cl 1.8.2 of LPS 3 as 'premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products articles, material or substances...'.
14. The proposed use in the Development Application is clearly an 'industry' use because it involves processing and treating of substances, namely substances in the waste.
15. In this case there is a real risk that there will be off-site odour impacts arising from the proposed development. The basis for this view lies in:
 - (a) the supporting documentation submitted with the works approval application to the Department of Water and Environmental Regulation (DWER) dated 26 March 2021 (**Works Approval Application**); and
 - (b) the licence issued by the DWER relating to the existing landfill facility (L8904/2015/1) dated 3 August 2015 and amended on 17 December 2019 (**Licence**).
16. The Works Approval Application clearly identifies a significant odour risk and in that context states '[t]he emissions will be highly dependent on the waste quantity, degree of purification, extent of landfill gas management and ambient weather conditions'. The Development Application does not address the quantity of waste, the degree of purification, extent of landfill gas management or the effect of ambient weather

(Appendix ORD: 12.2.3D)

conditions. The Licence corroborates concerns regarding potential emissions of odour by identifying in the Risk Assessment the odour risk as 'Medium'.

17. In these circumstances, at a minimum, the Development Application should be supported by an odour impact assessment. In the absence of an odour impact assessment, the amenity impacts of the proposal will simply be guesswork.
18. In addition to off-site odour impacts, the proposed development will also have off-site visual impacts. The LDP states that the current facility on Lot 2 'has begun to protrude above the skyline'. As a result, the LDP imposed a height limit of 114 metres for new development on Lot 2. The Development Application exceeds the height limit set out in the LDP and will therefore affect the skyline. This amounts to an off-site visual impact.
19. We note that LPS 3 confusingly contains a definition of 'waste disposal facility', which superficially the proposed use would fall under. However, the term 'waste disposal facility' does not appear in the zoning table. It is to the zoning table that attention must first be directed in determining the classification of a use. Given the nature of the use in question, in particular its off-site impacts, the proposed use in this case should be classified as 'industry – noxious or hazardous'. It is noted also that the off-site impacts element of the definition is very specific. Cl 2.4 of LPS 3 requires specific classifications to be preferred over potential classifications which might be possible under a more general definition. In this case the specific classification is 'industry – noxious or hazardous' because of the off-site impact element and 'waste disposal facility' is the more general classification. In any event, as mentioned, the definition of 'waste disposal facility' is redundant because it does not appear in the zoning table.
20. In conclusion, the proposed use is a prohibited use in the General Farming zone under LPS 3 and therefore the Development Application cannot be approved.

Use not listed

21. Even if the proposed use could be characterised as a 'waste disposal facility' and therefore a 'Use Not Listed', the Development Application cannot be approved because it is inconsistent with the objectives of the General Farming zone under LPS 3.
22. Cl 2.4.2 of LPS 3 provides that if a person proposes to carry out on land any use that is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:
 - (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
 - (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of cl 7.2.2 in considering an application for planning approval; or
 - (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

(Appendix ORD: 12.2.3D)

23. The objectives of the General Farming zone are to:
- (a) provide for a wide variety of productive farming activities, ranging from broadacre grazing to horticulture, which are compatible with the capability of the land and retain the rural character and amenity of the locality;
 - (b) protect areas of significant agricultural value, particularly those in irrigation districts, from conflicting land uses; and
 - (c) facilitate low-key tourist development where it is incidental to the use of the land for farming purposes and where land use conflict can be minimised.
24. The Development Application is not consistent with the objectives of the General Farming zone listed in cl 2.2 of LPS 3 because:
- (a) the proposed development is not a 'farming function' or 'low-key' tourist development; and
 - (b) does not protect areas of 'significant agricultural value' and instead may have significant off-site visual and odour impacts.¹
25. For these reasons, if the use in the Development Application can be characterised as a 'Use Not Listed' it should not be permitted in the General Rural zone.

Ancillary use

26. The proposed waste cells are described in the Development Application as '*ancillary*' to the existing waste disposal facility use on Lot 2.
27. There are two types of ancillary uses. First, where the ancillary activity is different from the primary use, but a necessary adjunct to the primary use. Second, those types of activities which grow out of or develop from the primary use and are intended to enhance it.²
28. The Development Application is for the construction, development and filling of three new waste cells for the Cleanaway landfill facility, which includes excavation and earthworks and the development of stormwater management infrastructure. The Development Application also proposes the relocation of existing infrastructure including the landfill gas extraction infrastructure and tailings discharge point.
29. The Development Application, if approved, will result in an expansion to and an intensification of the existing facility and its use. It is not different from the existing use, nor does it *enhance* the existing facility in a planning sense. The use cannot therefore be described as '*ancillary*' to the existing waste disposal facility.

Local Development Plan for Lot 2

30. The LDP for Lot 2 was approved by the Shire of Dardanup on 26 May 2021 and provides a number of requirements for any development application made in respect of Lot 2. One

¹ LPS cl 2.2.

² *Pacific Seven Pty Ltd v City of Knox* (1993) 11 AATR 325, 329 cited in *West Coast Enterprise Pty Ltd v Shire of Exmouth* [2007] WAS AT 316 [39]-[41].

of these requirements relates to height limits and requires that development does not exceed a height limit of 114 metres AHD.

31. The height limitation applies to any structure on site and any stockpiles occurring on site. Any exceedances in height limitations requires consideration of the visual impact to surrounding landowners and the ability to minimise this impact. This is because, as evident in the 'example view locations' of the LDP, 'the current facility has begun to protrude above the skyline'.
32. The proposed development exceeds the height limit set out in the LDP. Cells 9 and 10 exceed the height limit by 31% and Cell 12A exceeds the height limit by 8%. These are significant departures from the requirements of the LDP and will result in off-site visual impacts.
33. The Development Application should not be approved due to the significant variations to the LDP.

State Planning Policy 2.5 Rural Planning

34. The purpose of SPP 2.5 is to protect and preserve Western Australia's rural land assets and applies to rural land and rural land uses, this includes land zoned for agricultural purposes such as the General Farming zone under LPS 3. SPP 2.5 provides that some 'regional facilities', such as a waste facility, may be accommodated on suitable rural sites.
35. Under SPP 2.5, the following requirements apply to a development application for a regional facility in a rural zone:
 - (a) the facility should be located on a main road or on a road that is of a suitable standard and treatment;
 - (b) the facility should contain or satisfactorily manage potential environmental impacts;
 - (c) the facility should not be visually dominant within key viewsheds; and
 - (d) the facility should be provided with essential services commensurate with the intended land use.³
36. As noted at paragraphs 15 – 18 above, it is likely that the proposed development will have off-site odour and visual impacts. This is inconsistent with requirements set out in paragraph 35 (b) and (c) above.
37. Under clause 67(2)(c) of the Schedule 2 in the *Planning and Development (Local Planning Schemes) Regulation 2015 (WA)*, SPP 2.5 is a relevant consideration to the determination of the Development Application by the JDAP. Due regard should be given to the fact the Development Application is inconsistent with the requirements for regional facilities on rural land.

³ SPP 2.5 cl 5.11.

Orderly and proper planning

38. Orderly and proper planning requires the JDAP, in exercising its discretion to approve or refuse a development application, to have regard to any applicable legislation, subsidiary legislation and planning schemes and policy instruments.⁴
39. As set out in this letter, the Development Application is inconsistent with:
- (a) the objectives of the General Farming zone in LPS 3;
 - (b) the provisions of the LDP; and
 - (c) SPP 2.5.
40. The requirements set out in LPS 3, the LDP and SPP 2.5 should not be departed from without a sound basis for doing so.⁵ In this instance, there is no sound basis for a departure from the requirements. It would be contrary to the principles of orderly and proper planning for the JDAP to approve the Development Application.

Conclusion

41. For the above reasons it is submitted that the Development Application should be refused.

If you have any questions or wish to discuss the above, please let us know.

Yours sincerely,



Glen McLeod
Principal
Glen McLeod Legal

⁴ *Marshall v Metropolitan Redevelopment Authority* [2015] WASC 226 [180].

⁵ *Marshall v Metropolitan Redevelopment Authority* [2015] WASC 226 [182].



Development Assessment Panels Secretariat
c/- André Schönfeldt
Chief Executive Officer
Shire of Dardanup
PO Box 7016
Eaton WA 6232
submissions@dardanup.wa.gov.au

Your ref: DAP/21/02063
Our ref: EW/GAM 40711

By post and email

28 September 2021

Dear Mr Schönfeldt,

Submissions – Development Assessment Panel application DAP/21/02063 for Cleanaway Landfill Facility – Lot 2 on Diagram 65861, Banksia Road, Crooked Brook

1. We refer to our submissions dated 23 September 2021 and our letter of the same date seeking clarification regarding the top of waste height of Cells 9, 10 and 12A.
2. On 24 September 2021, Murray Connell of the Shire of Dardanup advised us by telephone that the top of waste height is 149m AHD with an additional 2m for capping, which means the maximum height will be 151m AHD.
3. We note that our submissions dated 23 September 2021, in particular paragraphs 6(a) and 32, were made in relation to our understanding that the top of waste height of Cells 9, 10 and 12A in the development application included capping.
4. In light of the above, we make the following submissions which affects the statements made in paragraphs 6(a) and 32 of our submissions dated 23 September 2021:

The proposed development exceeds the height limit of 114m AHD set out in the LDP. The top of waste height including capping will be 151m AHD for Cells 9 and 10 and 125m AHD for Cell 12A. Cells 9 and 10 exceed the height limit by 32% and Cell 12A exceeds the height limit by 10%. These are significant departures from the requirements of the LDP and will result in off-site visual impacts.

If you have any questions or wish to discuss the above, please let us know.

Yours sincerely,

Glen McLeod
Principal
Glen McLeod Legal

(Appendix ORD: 12.2.3D)

From: [Kristine Goyder](#)
To: [Submissions Planning](#)
Subject: OPPOSITION - CLEANAWAY!
Date: Thursday, 23 September 2021 11:46:29 AM

CAUTION: This email originated from outside the Shire of Dardanup.

Do NOT click links or open attachments unless you recognize the sender and know the content is safe. Do NOT enter any username or passwords and report any suspicious content.

I am writing to Strongly **OPPOSE** the Cleanaway Development Application at Lot 2 Banksia Road Dardanup.

We have a young family who attend one of the two local primary schools in the area, we have invested a significant amount of money in the area along with other landholders and strongly believe this application should be **REJECTED** by the Shire of Dardanup and WA Government. **We have invested heavily in our local historic Homestead/ Farm which was built in 1875 and we are considering investing further into the locally significant property, but will cease this investment and potentially leave the area if this application is not REJECTED.**

The existing facility is a scar on the landscape/ region which is heavily marketed as the 'Ferguson Valley Tourist Drive' and I along with other farmers, viticulturalists and residents have invested heavily in the region only for our investments to be eroded by a non conforming/ irrelevant facility which should be relocated let alone expanded.

A number of reasons to **REJECT** this Application;

The Cleanaway Facility is already;

A **visual disgrace** to the region which can be easily seen from the Ferguson Road, Waterloo Road, South Western Highway, Boyanup Picton Road and City of Bunbury and already is higher than the natural ridge landscape and seriously concerns me that they have approval even to the current height. **On a personal note its clearly visable from our home, every day makes us feel quite depressed and effects our mental health by creating anxiety over our substantial investment being potentially eroded.**

Dust Pollution; Is very evident and I have supporting footage to prove that a dust problem already exists and will only be made worsen by any extension to overall height and extensions to the existing facility. The dust that we experience from the site is quite substantial - we have evidence of the dust plumes blowing across the townsite.

Odour Pollution; A significant level of unpleasant odours are evident from the existing facility especially when south easterly winds are occurring which expel across the local area including the townsite of Dardanup.

Noise Pollution; Noise, Odour and Visual pollution are already having significant impacts on the local and visiting community, what will be the increased impacts from the Expansion Application, these need to be outlined and failing to investigate is further reason for this to be rejected. The constant noise made

(Appendix ORD: 12.2.3D)

noticeable on a southerly wind sounds of graders and large trucks beeping and working constantly disrupts the pristine environment, waking up to this industrial noise has a profound effect on our mental health - we moved from the city to the quiet country which is certainly not the case!

Trucking Congestion; With 2 Primary Schools within less than 10kms from the site, the considerable increase in trucking is purely evident on a daily basis, we have personally witnessed children walking/ cycling on nearby roads and being close to run over by the large scale and frequency of trucks from all over the state to the existing facility. Even with the potential new road on Waterloo Road this does not lessen the risk of injury from trucks. These large trucks should not be in the area or Ferguson Road become a thorough fare for heavy haulage at all!

Groundwater/ Local Waterway runoff; We have personally viewed water runoff from the site which fills into local waterways including the Crooked Brook and is a serious concern during heavy rainfall periods. Why do we have 'Hazardous Waste Facility' sitting above some of the states pristine Water Aquifers. Where are our EPA and Shire Planning Departments to even consider this initial planning application let alone approve an extension application. We constantly also walk and use mountain Bike tracks situated in close proximity - the Wildflowers and native fauna are at risk from hazardous waste!

Agricultural/ Residential/ Tourism Region; Why do we have such a heavily impacting facility right in the middle of some of the most pristine Dairy/ Beef and Viticultural Land within the state or even country. Surely our planning departments/ Shire of Dardanup have learnt from previous planning mistakes and will reject the current application and even look to relocate the entire facility to another area thats not been earmarked as " TOURISM" let alone sits 15 ks from the city of Bunbury. We would like to ensure the legacy of farming is left for our children just like our parents have done for us. We want to see this area expand and allow people to explore this beautiful historic town without the toxic waste dump on the horizon.

Dardanup and Ferguson Valley are at high risk of becoming a GHOST TOWN - of which was once a pristine, thriving farming and lifestyle farming region if this continues to grow in size and create more pressure on the environment - the question will be asked "WHO IS RESPONSIBLE FOR SUCH AN ATROCITY"

A large number of visitors from Perth and interstate are drawn to the pristine 'Ferguson Valley Tourism' precinct. Nearly every visitor we speak to ask us "What is that eyesore" on the hill and when we explain that it is a substantial Waste Facility they are shocked and dumbfounded that a facility such as that is within the significant agricultural/ tourism area and even more dumbfounded that it sits above significant **Water Aquifers and Water courses.**

Please **STRONGLY REJECT** this current Development Application for the sake of communities and livelihood of generational farmers!

(Appendix ORD: 12.2.3D)

Kristine Goyder

--

Mobile - 0407914844

krissygoyder@gmail.com

(Appendix ORD: 12.2.3D)

7th September 2021

Heather Elliottsmith
41 Wellington Mill Rd
Ferguson Valley
6236
elliottsmithsculptures@gmail.com

RE: Cleanaway DAP Application

Dear JDAP Representatives,

My name is Heather Elliottsmith. I am Chairperson of the Dardanup Environmental Action Group Inc. DEAG was formed in 2019 to oppose Cleanaway's proposal to create a Tailings Facility at Banksia Rd and address expansion and ongoing licence breaches at the site. The committee have been meeting fortnightly since that time.

I am requesting that JDAP deny Cleanaway's proposal for additional cells, which would allow their continued operation for the foreseeable future. I respectfully request that the Panel also use their influence to recommend to State Planning that a cumulative review of the appropriateness of Cleanaway's future Planning Approvals be undertaken. Approvals from 1999, added to by 'minor' increments to avoid proper scrutiny over the last 20 years, need to be reassessed comprehensively.

The EPA are currently undertaking a Public Environmental Review of the cumulative impact of the whole site and DWER is reviewing Cleanaway's Licences. It is appropriate that the Planning Department should take this opportunity to also undertake such as review to ascertain if this landfill is appropriate planning for this location.

At least once a week, I have a resident or visitor to the Dardanup/ Ferguson Valley region make the following comment to me with regard to Cleanaway's Banksia Road Landfill facility:

"They shouldn't be allowed to do it!"

(Appendix ORD: 12.2.3D)

They might be referring to the outrageous destruction of the Whicher Scarp ridgeline which is a scar visible from Dardanup locale, Bunbury Lookout and from 20 km out to sea. It could be concern about litter, feral animals and dust impacting the adjoining Conservation Park or waking up on Sunday morning at 6am to the sound of bulldozers and truck beepers and knowing this will reoccur every single day of the year! I have assisted groups of bike riders who have been unnerved when overtaken by heavily laden Cleanaway trucks at all hours over the weekend.

Of particular concern to the community, and should be of great concern to planners, is the risk to the three aquifers that supply the region's drinking water. The risk of any contamination to these should be paramount when considering expansion to the landfill. The site is over the recharge area and the aquifers lie beneath the facility. In addition to putrescent waste, the landfill receives radioactive waste from Tronox Refinery. Research carried out in 2010 and published in 2014 in The Journal of Environmental Radioactivity No.130, indicates that sampling from this groundwater, which supplies 100% of municipal supplies, shows unacceptably high levels of RA 226 and Ra 228 that do not meet international standards, including WHO guidelines. These particles emanate from Mineral Sands. We do not know if the Tronox waste is causing this contamination, but a Precautionary principle should apply. This year DWER has required replacement of Cleanaway testing bores, confirming that contamination data collected previously is unreliable.

How can it be argued by Cleanaway that this facility can continue for the next two decades? Presumably the initial granting of this Approval was predicated on the available airspace of Lot 2 and not a number plucked randomly. Yet, the initial annual tonnage in 1999 has been increased through Amendments over the years to over 650 000 Tonnes PA and Cleanaway continue to state that their Approval

(Appendix ORD: 12.2.3D)

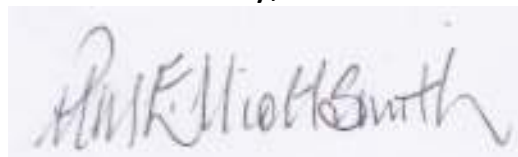
will continue until 2035 for the site. Surely, increasing annual waste ten-fold should also decrease the available time at the site?

We maintain that the site is already beyond its capacity and is inappropriate.

The economic impacts of this landfill are significant to other land users and the region's aspirations as a tourism destination. One look at the aerial site maps, provided by Cleanaway, confirms that their facility a planning anomaly. This landfill is surrounded by a rural paradise that is enjoyed by locals and tourists alike. It is an area of outstanding beauty that reflects the marketing value of this region – healthy agricultural products, high quality wines, short-term accommodation options and venues. It is being recognised as an alternative to Margaret River, closer to Perth, less crowded and more surrounded by alternative tourism options – including Collie, Wellington Dam and Bunbury region.

Planning Decision-makers need to acknowledge that the facility contravenes State Rural Planning Guidelines and Environmental siting for Landfill guidelines and impacts on valued agricultural land and tourism venues and is impacting significantly on the Dardanup region.

Yours Sincerely,

A handwritten signature in black ink, reading "Heather Elliott-Smith", is displayed on a light blue rectangular background.

Heather Elliott-Smith

(Appendix ORD: 12.2.3D)

Shire of Dardanup
Chief Executive Officer
PO Box 7016
EATON WA 6232
submissions@dardanup.wa.gov.au

21.9.21

Attn: Mr André Schönfeldt

Submission regarding Banksia Rd DAP

RE:

PLANNING AND DEVELOPMENT ACT 2005 SHIRE OF DARDANUP TOWN PLANNING SCHEME No.3 NOTICE OF PUBLIC ADVERTISEMENT OF A DEVELOPMENT ASSESSMENT PANEL APPLICATION FOR WASTE CELLS 9, 10 AND 12A AT THE CLEANAWAY LANDFILL FACILITY AT LOT 2 BANKSIA ROAD, CROOKED BROOKI

Notice is hereby given that the Shire of Dardanup has received a Development Assessment Panel application to use and develop land for the following purpose and public comments are invited.

Proposal: Construction, development and filling of three new waste cells consisting of cells 9, 10 and 12A at the Cleanaway landfill facility at Lot 2 Banksia Road, Crooked Brook. The waste cells are proposed to be filled with Class III landfill. The ultimate finished top of waste height proposed is 149m AHD. The proposal includes the relocation of existing infrastructure. Soil removed from the three cells will be stockpiled and used on Lot 2 for covering and capping. The proposal contains several specialist reports.

In February 2021, the 2050 Vision for the Shire of Dardanup was unveiled. It clearly defines what is important to the Shire of Dardanup community via five aspirations and demonstrates how those ideals and values will be preserved for future generations.

The five aspirations are: Healthy, self-sufficient, sustainable, connected and innovative. The public consultation outcomes identified that as well as aspiring to a connected, sustainable community, residents choose to live in the Shire because of its rural character and stunning environment that supports a healthy lifestyle. <https://www.dardanup.wa.gov.au/our-shire/2050-vision/>

I believe that the expansion of the Cleanaway site, sitting within the Dardanup Waste Precinct at the Banksia Rd landfill facility is in direct conflict with the best interests of existing and aspirational land uses for the Shire of Dardanup and the State as a whole. The site expansion has the potential to negatively and financially affect the brand value of local existing tourism Industries in the Dardanup/Ferguson Valley area, as well as the aspirational and potential future development opportunities for these businesses.

(Appendix ORD: 12.2.3D)

The site sits within the Dardanup Waste Precinct (the Precinct) and the Cleanaway site is only one of the contributors to potential environmental impacts and threats to the immediate environment surrounding the precinct. Cleanaway in particular, has also demonstrated a poor commitment to the safe and environmentally sensitive management of the site in the past, as evidenced by the report on the DEWR site: https://www.wa.gov.au/service/environment/environment-information-services/dardanup-waste-precinct?fbclid=IwAR256lG3-w8cGVwcYG3_vcRf1stwLrcrjKdcQuhgZM9PVfdK8eTBwb3a8CY Note Appendix 1.

Recommendation:

The interests of the significant local and emerging Tourism Industry has not meaningfully been taken into account within any reports submitted in the DAP application to expand operations, submitted to the Shire of Dardanup by Cleanaway. The wider Ferguson Valley community places a high value on its pristine and stunningly beautiful environment, which is an asset to the whole State of WA for tourism and nature-based activities. According to community consultation conducted within the development of the 2050 vision for the Shire of Dardanup, the proposed expansion of the Banksia Rd Landfill site is entirely in contradiction with the aspirations of the wider community. Within the 2050 Vision, the community identified Ferguson Valley which surrounds the proposed Dardanup Waste Precinct as a significant Tourism Area within the land use map on P.49.

“Opportunities for expansion in agriculture and associated food tourism in the Ferguson Valley are as abundant as the produce. Australian food trends reveal a willingness for shoppers to pay premium price for quality, organically grown, grass-fed and locally sourced produce, and the Ferguson Valley provides this in excess.”

The value of nature-based activities in the Ferguson Valley region were also highlighted in the document on P.48.

“As part of the South West biodiversity ‘hot spot’ it can be said that the nature activities enjoyed here are unmatched in biological richness.”

In the Self Sufficiency section of the 2050 Vision, p.20, it was also identified that there was 90% support from the community for the enhancement and promotion of tourist offerings including accommodation and nature based experiences, with excellent economic and employment outcomes for the Shire.

The proposed Banksia Rd landfill expansion by Cleanaway should not be seen as a standalone application. This facility sits in context within the bigger picture of the slow expansion of the Dardanup Waste Precinct, which has incrementally and insidiously grown more and more since 1999, without wider consultation or consideration of the community’s broader vision. (See Appendix 2.)

The question of whether the site should be allowed to expand operationally should rest with the community’s aspirations for the region as a whole. The protection of the existing and long-term benefits, opportunities and marketability of the Ferguson Valley/Dardanup Tourism Industry, (which is reliant on the benefits of high quality precious natural resource assets – along with a positive perception of this from visitors to the area.) should be considered to be of much higher importance than that could be derived from allowing the slow creep of a dysfunctional and poorly planned waste facility, with a dubious record in environmental stewardship.

As recently as September of 2020, the Shire of Dardanup, along with Australia’s South West and Ferguson Valley Marketing collaborated to deliver a campaign to promote the Ferguson Valley region to the Perth regions and beyond.

Cr Robinson was quoted as saying that the campaign was a celebratory moment, recognising with pride the level of collaboration that had occurred to bring the project to fruition. “As a Council we value tourism very much because we know that every dollar spent on tourism in the area has a significant knock-on effect for the local economy,” Cr Robinson said.

To protect the interests of local businesses and the community from negative future impacts from the operational impacts and expansion of the site and from degradation of the area resulting from visual amenity impacts, native remnant vegetation and fauna impacts from clearing, fire risk, local groundwater contamination from uncontained toxic leachate, and not least of all the potentially serious and financially quantifiable damage to the existing clean-green image and revenue of the wider

(Appendix ORD: 12.2.3D)

Ferguson Valley Tourist precinct, along with the potential damage to the brand integrity of the Dardanup/Ferguson Valley region, I request:

- That the EPA applies the strongest possible environmental conditions and enforcement of stringent monitoring requirements to the management of the existing operations at the Banksia Rd Cleanaway site.
- Within the Banksia Road Dardanup Landfill Leachate Balance Assessment Report published in March 2021, Tonkin outlined a contradiction within the data relating to the leachate balance modelling. This represents a potential risk to the environment and should be investigated thoroughly, with any pro-active management actions identified and implemented as a matter of urgency.
- That no allowance is given to increase the allowable height of waste stockpile at the facility, or any further expansion or increase in operational size or scale of the current Cleanaway landfill site at the Banksia Rd site.
- Further to this, I encourage any decision regarding this application be deferred and considered within the context of the wider debate surrounding the existence of, or all future expansion of operations within the Dardanup Waste Precinct. An opportunity for the community to input and provide feedback regarding this matter, should be made available within the upcoming Local Planning Scheme No. 9. consultation with landowners, community representatives and State Government authorities.

Sincerely

Hackersley Estate Winery
1133 Ferguson Rd
Ferguson
WA 6236

(Appendix ORD: 12.2.3D)

References

Banksia Road Dardanup Landfill Leachate Balance Assessment Report

[Banksia Road Dardanup Landfill \(epa.wa.gov.au\)](http://epa.wa.gov.au)

Shire of Dardanup 2050 Vision

<https://www.dardanup.wa.gov.au/our-shire/2050-vision/>

Shire of Dardanup blog Re: Ferguson Valley campaign 2020 <https://www.dardanup.wa.gov.au/you-beauty-putting-ferguson-valley-on-the-map/>

Banksia Road Landfill, Dardanup. Construction and Operation of Landfill Cells 9, 10 and 12A

<https://www.epa.wa.gov.au/proposals/banksia-road-landfill-dardanup-construction-and-operation-landfill-cells-9-10-and-12a>

DEWR site: https://www.wa.gov.au/service/environment/environment-information-services/dardanup-waste-precinct?fbclid=IwAR256IG3-w8cGVwcYG3_vcRf1stwLcrcjKdcQuhgzM9PVfdK8eTBwb3a8CY

Appendix 1

History of licencing non-compliance

- DWER officers have visited the precinct 15 times since August 2019. During these visits, compliance inspections of the waste facilities within the precinct were undertaken and/or officers have met with members of the community in relation to concerns they had raised or as part of ongoing investigations into these facilities.
- Between 19 March and 20 April 2020 DWER installed a dust monitor at a nearby residential property. The monitor did not indicate any incidences of dust crossing the site boundary.
- Following inspections at the Cleanaway Banksia Road Landfill in August 2019, an investigation was conducted into waste storage and management practices at the facility. As a result of this investigation, DWER commenced a prosecution against Cleanaway in August 2020 alleging two licence breaches relating to the incorrect storage of drill muds and incorrect use of shredder floc as cover material.
- On 2 November 2020, Cleanaway pleaded guilty to both offences in the Bunbury Magistrates Court and was fined \$11,000 and \$14,000 respectively.
- On 15 October 2020, DWER issued a Prevention Notice to Cleanaway in relation to the storage of power poles on the premises. The Notice was issued as DWER considered that pollution was likely to arise from the power pole waste which had been accepted, stored and processed on the premises in an uncontained location. The notice required Cleanaway to:
 - Cease receipt of Class IV power pole waste
 - Remove the stockpiled power pole waste
 - Undertake soil and surface water sampling.
- On 15 October 2020, DWER officers installed noise monitors at two nearby properties following complaints of excessive noise from the premises. The data collected from the noise monitors has been analysed by DWER and noise levels have been determined to be below the levels governed by the Noise Regulations.
- On 30 May 2021, Cleanaway were deemed to have complied with the requirements of the Prevention Notice issued to them on 15 October 2020 and the Prevention Notice ceased to have effect.
- Investigations are ongoing as a result of compliance inspections.

(Appendix ORD: 12.2.3D)

Licensing history (DWER and EPA)

- In December 2018, the Department of Water and Environmental Regulation (DWER) received a works approval application W6212/2019/1 from Cleanaway Solid Waste Pty Ltd (Cleanaway) to construct a lithium tailings storage cell at its landfill facility at Lot 2 on Plan 65861 Banksia Road Crooked Brook (Banksia Road Landfill).
- On 7 November 2019, Cleanaway advised DWER that it wished to withdraw its works approval application for the lithium tailings storage cell. As a result, the application has been marked as withdrawn in DWER's records and no further assessment is required.
- On 10 September 2019, DWER received an application from Cleanaway to increase the volume of solid waste accepted for landfilling from 303,000 tonnes to 350,000 tonnes per year. Approval for the increase in waste was granted by DWER through a licence amendment on 17 December 2019. This amendment also amalgamated all previous amendments into a consolidated licence. Nine appeals were lodged with the Minister for Environment against the amendment. The Minister dismissed the appeals on 15 June 2020, but noted that DWER should expedite the further investigations needed to demonstrate compliance for noise emissions from the site.
- On 27 March 2020 Cleanaway submitted a compliance document and a construction quality assurance validation report for the completion of construction works related to Cell 7 of the landfill to DWER. On the same day, Cleanaway also submitted an application to amend licence L8904/2015/1 to allow waste disposal in Cell 7 to commence. Approval for waste disposal to commence in Cell 7 was granted by DWER through a licence amendment on 4 June 2020. One appeal was lodged with the Minister for Environment against the amendment and is now being investigated by the Appeals Convenor.
- On 4 August 2020, Cleanaway submitted an application for a licence amendment, requesting to increase the volume of solid waste accepted for landfilling from 350,000 tonnes to 390,000 tonnes per year. The application was advertised on the department's website on 9 September 2020 and 22 submissions, opposing the application, were received. Cleanaway withdrew the application on 11 November 2020.
- On 3 December 2020, DWER initiated a review of Licence L8904/2015/1 which will consist of a comprehensive assessment of all activities undertaken on the premises to consider their acceptability, and to update regulatory controls on the licence if deemed appropriate.
- DWER has written to all direct interest stakeholders inviting them to provide comment/input into the licence review. DWER also met with local community members on 27 January 2021 to provide information to local residents about the review and to hear from local residents on their experiences and concerns about the premises.
- In addition to seeking input from the local community, DWER has sought input from the licence holder and all relevant stakeholders and is currently progressing the licence review and risk assessment. DWER is aiming to deliver a draft decision report and licence to Cleanaway in the coming months.
- On 19 March 2021, Cleanaway submitted an application for a licence amendment for the construction and operation of a revised southern boundary stormwater drain to improve stormwater drainage from the premises. The application was advertised on the DWER's website on 8 April 2021 and direct interest stakeholders were advised of the application via letter. A total of eight submissions were received. On 28 May 2021 an amended licence was granted.
- On 7 April 2021, Cleanaway submitted an application for a works approval for the construction of additional Cells 12A, 9 and 10. This proposal was also referred to the Environmental Protection Authority (EPA) by Cleanaway. On 19 April 2021 DWER wrote to Cleanaway advising that the works approval application would be put on hold until the EPA has made a determination on the referral. This application will be advertised and stakeholder submissions sought once an EPA determination has been made.

Banksia Road Landfill, Dardanup. Construction and Operation of Landfill Cells 9, 10 and 12A

<https://www.epa.wa.gov.au/proposals/banksia-road-landfill-dardanup-construction-and-operation-landfill-cells-9-10-and-12a>

(Appendix ORD: 12.2.3D)

Appendix 2

Other waste facilities that make up the Dardanup Waste Precinct

Current Licence	Occupier	Premises	Activities	Approved capacity (tonnes per annual period)
L8904/2015/1	Cleanaway Solid Waste Pty Ltd	Banksia Road Landfill	Category 61: Liquid waste facility	353,000
			Category 64: Class II or III putrescible landfill	350,000
L8888/2015/1	Shire of Dardanup	Shire of Dardanup Transfer Station	Category 62: Solid Waste Depot	5,000
L7089/1997/11	Fitonia Pty Ltd	TJ Depiazzi & Sons - Composting facility	Category 67A: Compost manufacturing and soil blending	120,000
			Category 70: Screening etc of material	30,000
L8746/2013/1	Bunbury Harvey Regional Council	Wellington group of Councils Compost Facility	Category 67A: Compost manufacturing and soil blending	20,000

(Appendix ORD: 12.2.3D)

From: [Marcus Hewson](#)
To: [Submissions Planning](#)
Subject: Cleanaway Landfill Facility - Lot 2 Banksia Road: Submission
Date: Wednesday, 22 September 2021 3:14:07 PM

CAUTION: This email originated from outside the Shire of Dardanup.

Do NOT click links or open attachments unless you recognize the sender and know the content is safe. Do NOT enter any username or passwords and report any suspicious content.

To the Chief Executive Officer,

As a resident of the Dardanup Community I am writing to voice our objection to the proposed expansion of the Cleanaway Landfill Facility- Lot 2 Banksia Road, Crooked Brook.

The additional 3 waste cells will see the expansion height to exceed what we firmly believe is an unacceptable level of operation. The proposed additional 36 metres is well beyond any of the natural landscape of the area therefore being an eye sore to the Dardanup Community, Fergurson Valley Tourism Industry as well as effecting our property values and prospective buyers to the area. It should also be noted that this extra height is approx. 10 mtrs taller than existing local planning restrictions, which as residents we are to adhere to, therefore so should all commercial and industrial companies.

The environmental damage that this additional proposal has to the surrounding areas needs to be heavily considered not only now with the immediate damage through the construction phase, with the loss of habitats and the run off into the superficial water table, that it will do. But, the ongoing and future dangers that it poses for our native fauna and flora within the Dardanup Conservation Park but most significantly the high risk of toxic contamination to the Leederville Aquifer in which it is situated on top of and is one of the main water supplies for the South West Region.

This proposed expansion should not be supported or given the go ahead – it is an environmental disaster waiting to shatter the ecosystem, local tourism and devastate our future generations of children growing up in and around Dardanup.

Thank you for your time.

Regards

Marcus & Jayde Hewson

155 Recreation Road

Paradise, WA, 6236

(Appendix ORD: 12.2.3D)

From: [Jonathan Hilder](#)
To: [Submissions Planning](#)
Subject: Cleanway DAP Application
Date: Wednesday, 15 September 2021 11:14:19 AM

Chief Executive Officer Dardanup Shire,

1. We are disappointed that this application is being considered because of the future of Dardanup's tourism and other associated lifestyles close by will be compromised.
2. The lifestyle of this area is noted to be a highly desirable for attracting people and injecting profit to businesses relying on this.
3. There are issues with the traffic, dust, noise and rubbish emanating from the site now and into the future.
4. We are very concerned about the underground aquifers in the area as our water for drinking and garden use comes from here and has the potential to be contaminated. Should this occur it would ruin the areas potential as a tourist destination and underground water would be unusable.
5. The height of this mound will be a visual eyesore to the whole area.
6. We do not agree with waste being trucked in to this site from all over WA.
7. This area should not be used dumping of waste and more needs to be done to find other uses for this waste to more environmental purposes.

Regards
Jonathan and Lyla Hilder
18 Slattery Way, Dardanup West.

(Appendix ORD: 12.2.3D)

From: [Wendy Hughes](#)
To: [Submissions Planning](#)
Subject: Dardanup Waste site and Waterloo road expansion
Date: Tuesday, 21 September 2021 12:59:12 PM

I am writing again to voice an objection to the Current and future plans of Cleanaway.

We are not the outback country town, nor do I feel we should be treated as such, whilst those that live in glass houses have NO idea. They plan and draw lines because it doesn't affect them

It does affect people and businesses who live here. You are already attacking our entry to and from Waterloo road with BORR and Im happy for that , NOW, because I saw it as a means to get rid of the trucks

Well Panizza Road doesn't want them why should they be granted the exception when we complained in 2009 against the increase here and were ignored.

Ive heard that you or Main Roads plan to widen and extend maybe straighten Waterloo Road , not by our place or through our place because we deserve better.

This change is of no benefit to residents, as traffic usage is likely to alter when BORR opens up. A more direct line is Harris Rd, to Dowdells straight through to the tip. The way Wren oil use.

Why are Wren Oil dumping their waste above the water table?

I would expect that as we have 3 homes on Water loo Road and acreage, I would expect market value to replace or rebuild our homes, including the garage you approved not even 10 years ago.

My partners family have been residents for nearly 100 years, have had the rates paid but not much given back. We have the documents , the Certificates of Title from 1935 issued by King George the 5th, The District of Wellington, complete with map. Which of course Dola has.

Cleanaway CAN NOT guarantee no leakage, seepage into our water ways. These are the same ones the state government had wanted to tap into a few years ago.

Maybe Cleanaway should give a written contract to all residents that should illness, death or loss of income due to their activities happen they will pay compensation to all residents in the shire especially the victims. Then will see how truthful they are.

Im tired of paying for things that big business do as they wish in greed. Maybe rates should be forfeited by ourselves for the term of Cleanaway's licence to kill and damage flora and animals, possibly people.

We donot want the tip, nor do we need Waterloo Road to be widened to accommodate larger trucks,, from where and with what? They dont listen as the trucks start moving on Waterloo road at 3am. We do not use Cleanaway or this waste site.

(Appendix ORD: 12.2.3D)

Thank you
Wendy hughes

(Appendix ORD: 12.2.3D)

From: [Silje](#)
To: [Submissions Planning](#)
Subject: Dardanup waste facility
Date: Monday, 20 September 2021 3:00:25 PM

Myself and my partner, Phill Hynes strongly oppose for the extension plans of the waste facility in Dardanup. We live at 59 Greenwood Heights and at times, especially hot windy days (with the wind in the 'right' direction), we get the horrible smell of the rubbish tip surrounding us. We usually close all windows and doors and I tell my kids we are having an inside day as I prefer them not breathing it in.

We would prefer this facility not being that at all, as it's very unattractive, unhealthy and creates a very busy heavy vehicle road. An expansion will mean more pollution in the air, we will see a mountain of rubbish from our property (which we might develop into hospitality in the future), and much more traffic on a road that is commonly used by bikers and tourists.

Please reconsider, as it will have devastating consequences for us locals!

Thank you

Kindly
Silje Gjestang Hynes

(Appendix ORD: 12.2.3D)

From: [Suzanne Occhipinti](#)
To: [Cecilia Muller](#)
Subject: Submission - Italiano
Date: Wednesday, 8 September 2021 4:30:19 PM

From: dean italiano <ditalano@hotmail.com>
Sent: Wednesday, 8 September 2021 11:51 AM
To: Submissions Planning <Submissions@dardanup.wa.gov.au>; Submissions Planning <Submissions@dardanup.wa.gov.au>
Subject: Cleanaway expansion and current operation

To planning

I would like to express my opposition to Cleanaway's expansion and current operation

The site is not suitable for a landfill of this size based on the following

- It sits above three aquifers that are used for drinking water and domestic and agricultural purposes
- The current site is visually polluting let alone going higher
- Does not fit with the aesthetics of the district
- Has increased heavy truck movement through a quiet rural area
- Devalued property
- Negative impact on tourism
- Sits next to a conservation park
- Increases dust and fine particle matter across the community when strong easterly winds blow 6 months of year
- Odour issues making liveability in the area less comfortable
- Sits in a high rain fall area on the western side of scarp
- Impact on area long term through pollution
- Dardanup town site increasing / growing

Basically, it fails all the planning requirements based on social, economic and environmental outcomes

The site should never have been approved, and if it was proposed now as a greenfield site under current regs Australia wide it would not be approved.

The site needs to be stopped from expanding and a plan to remediate and exit the site needs to be put in place as soon as possible.

Regards
Dean Italiano

Cleanaway Landfill Development Application September 2021

Lot Two Banksia Road Dardanup.



OBJECTIONS.

Whilst the applicant seeks approval we consider that this application should be rejected for the following reasons;

1. Incremental creep is the opposite of proper and orderly planning. This is an appeal to extend the incremental creep that has been long associated with this site.
2. the lack of compliance with the all Vic EPA BPEM guidelines,
3. the lack of compliance with the Shire of Dardanup approved Master Plan for Lot 2,
4. current failures to implement dust management,
5. failure to take into account the likely different noise impacts of cell 12a,
6. many inconsistencies throughout the application in heights,
7. failure to convince a reader that the proposed visual amenity is acceptable,
8. that fire planning does not put enough emphasis on spontaneous combustion spreading to the Dardanup Conservation block.
9. that there is reference to plans beyond 9, 10 and 12a including removal of native vegetation and up to Cell 20.

1. The application is for three of many cells that Cleanaway wish to create. The shire has asked Cleanaway for a Master Plan. Cleanaway have avoided this. A master plan would give all an opportunity to assess the total impact. This piecemeal approach is contrary to proper and orderly planning.

2. The statement that the proposed cells have been designed in accordance with the EPA Victoria BPEM guidelines is incorrect. See extract from the Victorian EPA landfill buffer guidelines, page 6;

1.1. Default buffer distances Table 2: Landfill buffer distances Landfill type Distance from buildings and structures Landfill accepting municipal (putrescible) waste 500 metres Landfill accepting solid inert waste 200 metres

The various drawings **Appendix B** do not a 500metre buffer zone from any sensitive land use..

3. Cleanaway have been to the Shire of Dardanup Council a number of times and the Shire has drawn up a Master Plan that included a maximum height of 114AHD. This DA refers to a maximum cell height of 149AHD and a finished height of 151AHD. Drawings 3a, 3b, 4 and 4a all have been stamped as Master Plan drawings. This DA does not seek to be a Master Plan. It is a DA for three planned cells. It would be unwise to approve any drawing as appendices that are stamped as such.

4. Dust management. Pollution watch have a number of current and ongoing dust complainants. Whilst Cleanaway are supposed to have a Dust management Plan it is clearly not being implemented. If Cleanaway are incapable of implementing the DMP as has been reported to Pollution Watch the DA should be rejected.

5. The work on Cell 12A will be above existing cells and in direct sight. Therefore, the noise profiles will be different and cannot be assumed to be similar to current levels. Failing to take into account the differing working areas and subsequent noise generation suggests that this DA is incomplete and therefore should be rejected.

6. Confirmed Council minutes state that a Local Development plan was endorsed 26 May 2021. At the same meeting Cleanaway had submitted a Master Plan that was NOT endorsed. That Master Plan included heights of up to 149AHD. Officer comment in the agenda item for the consideration of the Shire LPD contains the following sentence, "The site is already a prominent feature on the landscape which is visible from the much wider region including Bunbury therefore the height of 114m AHD is considered appropriate." Council intends that the 114AHD be adhered to.

7. This document appears to overlook the visual impact that the bright clay bund will make during the construction and operational phases that are proposed. Visual amenity should not just be considered from just the long term final scene some decades of year to come, but from the short, medium and long terms!

The contention that the views from Crooked Brook, Ferguson, Waterloo and Boyanup Picton Roads are extremely limited is a subjective analysis and one that does not match local perceptions. The statement that "Current works visually, have a minimal visual impact on the interface with the adjacent Conservation Park" are simply incorrect. There is considerable difference between the natural occurring woodland and the bright clay bund face that is visible when the sun is out.

The suggestion that "In the long term the proposed top of cell height, 149 AHD (including capping)" does not align with all other comments about height. It is repeatedly written that cell height of 149 AHD will be capped with an extra 2m making the final proposed height 151AHD. The sentence continues stating that "149 AHD (including capping) will form a slightly higher skyline from some views". From most views the proposed final height and landform will be quite different from the surrounding landscape. The final proposed topography will be very different from and inconsistent with anything nearby.

The final sentence on this section (4.5, page 18) that "concludes that the filling and completion of the wastes cells will have limited and manageable impacts" does not reflect the numbers involved. According figure 3a, Overview of Contours the natural height at the base of the bund is around 100AHD. An increase to 115 AHD is the current level. Going on to 150AHD represents an increase of 233% on top of the existing unnatural land form. Figure 4a shows a long plateau running from Cells 3/4 to somewhere between proposed cells 13 and 14. A long plateau sticking out like a peninsular and higher than the edge of the scarp would be most unusual and cannot be described as contextual to the rural landscape. Location 20

(Appendix ORD: 12.2.3D)

photo clearly demonstrates the totally strange landform that is proposed! It looks like a long-distance image of a sloping airfield.

8. The applicant does not seem to place much emphasis on the dangers of the landfill causing a bush fire. The documentation is all tilted in the other direction, that of making plans for preventing a bush fire from impinging upon Lot 2. Lot 2 however has seen numbers of fires that have originated in the land fill. On most occasions Cleanaway could not be contacted to assist the local fire fighters who attended. Clean way have a very poor record when it comes to fire management.

9. Various documents also claim that remnant vegetation to the east end of Lot 2 will be cleared. This a departure from the DA which clearly states that no native vegetation is to be cleared under this proposal. The clearing of that remnant vegetation will need to be approached through the usual clearance approval process. Any support of this DA which includes this appendix would give credibility to any future application to clear that remnant vegetation. This must be avoided.

Signed *John B. Goyder Pamela M. Goyder*

(JOHN BARR GOYDER) (PAMELA M GOYDER)

PARADISE RD, (LOT 27/28/29)
PARADISE

(Appendix ORD: 12.2.3D)

From: [Kristine Goyder](#)
To: [Submissions Planning](#)
Subject: Cleanaway Landfill Development Application September 2021
Date: Thursday, 23 September 2021 3:55:30 PM

CAUTION: This email originated from outside the Shire of Dardanup.

Do NOT click links or open attachments unless you recognize the sender and know the content is safe. Do NOT enter any username or passwords and report any suspicious content.

I am 10 years old and attend Our Lady of Lourdes in Dardanup and am writing to **Strongly OPPOSE** the Cleanaway Development Application at [Lot 2 Banksia Road Dardanup](#).

I can clearly see the Tip site from our house which is a scar on the landscape/ region and is very concerning for me and all of my friends at our school.

A number of reasons to **REJECT this Application**;

The Cleanaway Facility is already;

A **visual disgrace** to the region which can be easily seen from the Ferguson Road, Waterloo Road, South Western Highway, Boyanup Picton Road and City of Bunbury and already is higher than the natural ridge landscape and seriously concerns myself and many others that they have approval even to the current height. I have always been aware that a facility such as this should have a significant 'Buffer Zone' to reduce the environmental impacts on the local community, this is severely lacking!

Dust Pollution; Is very that a dust problem already exists and will only be worsened by any extension to overall height and extensions to the existing facility.

Odour Pollution; A significant level of unpleasant odours are evident from the existing facility especially when south easterly winds are occurring which expel across the local area including the townsite of Dardanup.

Noise Pollution; Noise, Odour and Visual pollution are already having significant impacts on the local and visiting community, what will be the increased impacts from the Expansion Application, these need to be outlined and failing to investigate is further reason for this to be rejected.

Trucking Congestion; With 2 Primary Schools within less than 10kms from the site, the considerable increase in trucking is purely evident on a daily basis, I have personally witnessed other kids walking/ cycling on nearby roads and being close to run over by the large scale and frequency of trucks from all over the state to the existing facility.

Groundwater/ Local Waterway runoff; We have personally viewed water runoff from the site which fills into local waterways including the Crooked Brook and is a serious concern during heavy rainfall periods. Why do we have 'Hazardous Waste Facility' sitting above some of the states pristine Water Aquifers. Where are our EPA and Shire Planning Departments to even consider this initial planning application let alone approve an extension application. An initial planning mistake was obviously made with the initial planning process regarding the location of this facility and needs to be rectified before further community and environmental impacts escalate.

Agricultural/ Residential/ Tourism Region; Why do we have such a heavily impacting facility right in the middle of some of the most pristine Dairy/ Beef and Viticultural Land within the state or even country. Surely our planning departments/ Shire of Dardanup have

(Appendix ORD: 12.2.3D)

learnt from previous planning mistakes and will reject the current application and even look to relocate the entire facility.

A large number of visitors from Perth and interstate are drawn to the pristine 'Ferguson Valley Tourism' precinct. Nearly every visitor we speak to asks us "What is that eyesore?" on the hill and when we explain that it is a substantial Waste Facility they are shocked and dumbfounded that a facility such as that is within the significant agricultural/ Tourism area and even more dumbfounded that it sits above significant Water Aquifers and Water courses.

It is now time for the Shire of Dardanup to stand up and represent the children in the region who want to have a great place to live now and in the future, this Tip should be relocated to a designated Industrial area and away from our valuable agricultural region and water resources.

Please STRONGLY REJECT this current Development Application on behalf of me and my friends who have to live near this toxic facility.

Mirabella Goyder, 10 years old

[143 Ferguson Road, Dardanup.](#)

Unless otherwise stated, this e-mail and any attachments ("this e-mail") is intended to provide general securities advice only, and has been prepared without taking into account your specific investment objectives, financial situation or needs and therefore before acting on advice contained in this e-mail you should consider its appropriateness having regard to your personal circumstances. If any advice in this e-mail relates to the acquisition or possible acquisition of a particular financial product, you should obtain a copy of and consider the Product Disclosure Statement for that product before making any decision.

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(Appendix ORD: 12.2.3D)

0407 914 844

(Appendix ORD: 12.2.3D)

From: [K Williams](#)
To: [Submissions Planning](#)
Cc: [Susanne Dochowicz](#); [Cecilia Muller](#)
Subject: NOTICE OF DEVELOPMENT ASSESSMENT PANEL APPLICATION FOR WASTE CELLS 9, 10 AND 12A AT THE CLEANAWAY LANDFILL FACILITY AT LOT 2 BANKSIA ROAD, CROOKED BROOK
Date: Sunday, 26 September 2021 2:24:36 AM
Attachments: [Screen Shot 2021-09-26 at 1:01:52 am.png](#)
[Screen Shot 2021-09-26 at 1:13:36 am.png](#)
[Screen Shot 2021-09-26 at 1:16:16 am.png](#)
[attachment.png](#)
[Attachment1.pdf](#)

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Do NOT click links or open attachments unless you recognize the sender and know the content is safe. Do NOT enter any username or passwords and report any suspicious content.

Dear Cecilia,

Thank you for the opportunity to make submission regarding the above. As I am a member of the Dardanup Environmental Action Group, I note that the closing date for submission is 26 September. If I have in any way misunderstood the closing date - please accept my apology, as I believed this to be the case, and feel that it is critical that I make this application to you regarding the above proposition as my property and business is less than 2 kilometres away from the above landfill facility.

We are the owners of a 100 acre property which is less than 2 kilometres away from the toxic rubbish site stated above. Our pristine property grows wine grapes and has produced gold medal wines for over 20 years. <https://crookedbrookwines.com.au/about-us/> We have a commercial interest in this venture which has been built up by working weekends and labour on holidays by a family partnership over the last 23 years. We have a Producers Licence to sell wine and currently pursuing an amendment to our cellar door licence to open for tastings as soon as we are able to have an outlet to sell our abundant stock. A lifetime has been spent building up this asset at 566 Crooked Brook Road, Crooked Brook supported by working external jobs to support the venture. It is literally heartbreaking to see this happening less than 2 kilometres away and a devastating worry to the mental health of the owners of this venture, that the wine crop will be tainted by acrid rubbish smoke taint and the business venture will be ruined by the visual aspect of the neighbouring land use activities. Never in a million years would I have believed that a neighbour would be allowed to run a toxic rubbish dump ever increasing in size extremely closely so as to affect the viability of my business and health of the land and water. I would like to invite those who call this work a 'hobby' to come and work on the vineyard and surrounding 100 acres - get ready to come out from behind the desk and you will be put to good use with some hard work!

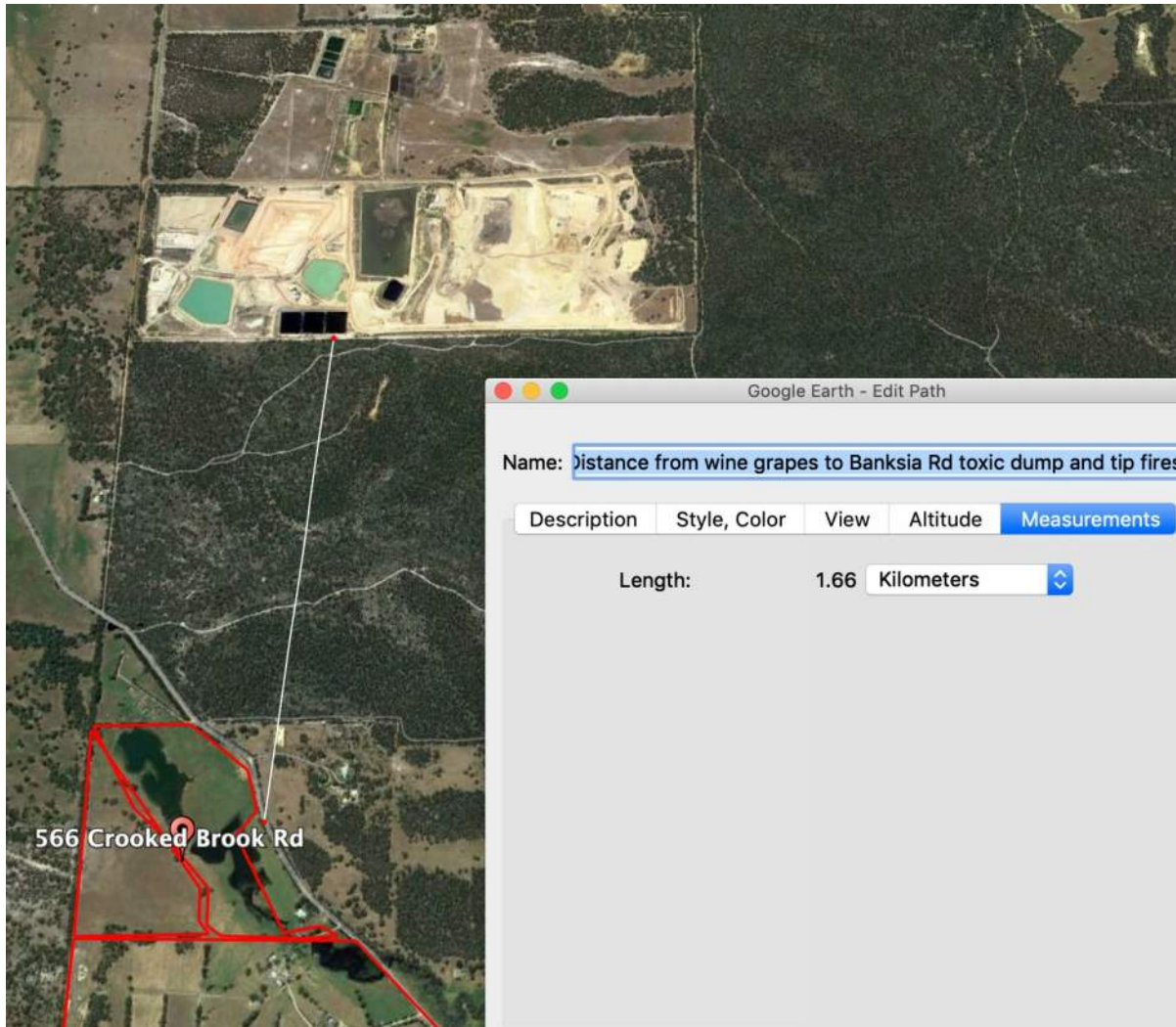
We also have beautiful clear pure water here at Crooked Brook Farm and we wish to continue to care for the pure nature of this as the Crooked Brook runs through the property with 2 huge dams. The health of the birdlife, marron and wildlife depend on the pristine water. There are also beef cattle running on the property who drink from the dam and eat the grass, a small orchard and vegetables grown.

I would be absolutely opposed to the increase in size with new waste cells and the increase in height as well as the increase in type of waste (level 3 is not acceptable for this region) due to the close proximity of the facility to my business and land. In fact I would like the toxic waste and rubbish removed to a more appropriate industrial waste area, where it cannot leach into the local waterways and smoke from fire hazards can't damage my crop. The reasons are as follows:

1. The risk of fire/smoke ash taint to the wine grapes is an unacceptably high risk - all and any fires on the tip will ruin our wine crop with what is known as 'smoke taint' which can be tasted in the wine - this is a devastatingly real reality - who will compensate us for the commercial wine grape crop? We take up to 15 tonne of grape annually and sell under the 'single vineyard' label meaning these grapes are impossible to replace as they gain the 'terroir' of the Crooked Brook region. We have commercial deals with other Geographe vineyards (such as La Violette in the Great Southern and Fifth Estate Wine in Harvey) who take large parcels of our grapes, as well as making consistent vintages of our own wine under the Crooked Brook Wines label for distribution in the future cellar door. We rely on the stable micro climate of Crooked Brook and would never have started a wine venture less than 2 kilometres from a huge toxic, fire prone, visually disgusting, rubbish dump. This is very very disappointing and I am in a state of disbelief that this has been allowed. Please read the news article attached about numerous fires at the Banksia Road dump which sits only 1.66 kilometres from our wine grape (picture of fire on the Banksia Rd tip below) <https://thewest.com.au/news/perth/third-cleanaway-recycling-plant-hit-by-fire-in-three-months-as-dardanup-based-facility-damaged-ng-b881445209z>



(Appendix ORD: 12.2.3D)



Smoke taint article below link included here: https://www.auvi.com.au/industry_support/vinemaking_resources/smoke-taint/

When vineyards and grapes are exposed to smoke this can result in wines with undesirable sensory characters, such as smoky, burnt, ashy or medicinal, usually described as 'smoke tainted'. Consumers have been shown to respond negatively to smoke tainted wines. The compounds in smoke primarily responsible for the taint are the free volatile phenols that are produced when wood is burnt. These can be absorbed directly by grapes and can bind to grape sugars to give glycosides that have no smoky aroma. Often these glycosides are described as smoke taint precursors. During fermentation (and also over time in barrel or bottle) these glycosides can break apart, releasing the volatile phenols into the must or wine, and allowing the smoky flavour to be perceived. These glycosides can also release the volatile phenols in the mouth during the drinking of wine, which may contribute to the perception of smoke taint.

2. Visual amenity - an eyesore on the landscape not in keeping with the wine tourism badge promoted and supported by government initiatives, not in keeping with the tourism branding of the region not in keeping with surrounding land use. This toxic dump is right on the doorstep of a conservation park? How is this okay... This is surprising and shocking to say the least - since when does general farming include scarring the landscape and putting toxic, radioactive slurry of tailings waste into ponds which have a high probability of failing and have to remain stable for, at a conservative estimate, over 10,000 years, with the stability of the site only just being investigated now??? Sounds like a colossal failure of every level of government in looking the other way.



Link to video showing the placement of the waste is on potable water supply on a fault line - https://www.facebook.com/Dardanupenvironmentalactiongroup/videos/148374710469348/?_so=_permalink&_ry=_related_videos
"Western Australia has the weakest planning on hazardous waste. Nowhere else in Australia can you place radioactive waste in a landfill. Or in the vicinity of a town, a fault line a conservation area but most importantly on potable water supplies. Same goes for hazardous waste."

3. Toxic waste leaching into the waterways could very well lead to radioactive levels in the ground water and Crooked Brook which is our namesake and our Business Name. This high quality water is currently used as drinking water for humans and animals - who will compensate us for illness and loss of income and the future cleanup of the waterways? Once it is in the environment it will be very difficult to remove - this will de-value our property and business - who will compensate us?

Tailings dams are highly likely to fail and discharge toxic waste into the environment. please read following article with link here: <https://www.hindawi.com/journals/ace/2019/4159306/>

"However, tailings dams frequently fail, resulting in the discharge of significant quantities of tailings into the natural environment, thereby causing grievous casualties and serious economic losses. This paper discusses reasons including seepage, foundation failure, overtopping, and earthquake for tailings dam failures and explores failure mechanisms by referring to the available literature."

"Contamination has been recorded from failures of tailings dams such as the one in Spain:

In southern Spain, the Los Frailes tailings dam failed in 1998, causing the rockfill dam to slide forward and release 1.3 million m³ of fine pyrite tailings and 5.5 million m³ of tailings water [98, 99]. **The deposition of tailings severely polluted the rivers and surrounding residential lands.**"

4. Truck traffic on scenic local roads not built to take the heavy load. Large groups of cyclists and tourists meander their way through the region for fresh air, exercise and beautiful scenic views. How will you guarantee the safety of cyclists, tourists and local families with a huge increase in trucks? Kids ride their bikes around these roads also. There have been cases of truck drivers mowing down cyclists - The only Witness - makes tragic reading <https://www.abc.net.au/news/2020-02-24/one-person-at-centre-of-two-deaths-geoffrey-sleba/11866504?nw=0&r=HtmlFragments>

(Appendix ORD: 12.2.3D)

"At his trial for the death of Martin Pearson in February 2018, the different worlds of the cyclist and Geoffrey Sleba came together, entwined in an absolute tragedy on a road.

Geoffrey said he had no memory of hitting the cyclist. The defence presented evidence that Geoffrey had undiagnosed severe obstructive sleep apnoea at that time and could have fallen asleep without realising it. "He drove off because he didn't know it had happened," suggested Jeff Hunter QC for the defence.

Crown prosecutor Sam Bain countered that there "would have been a very big, audible bang"

5. Loss of local jobs and tourism - when Crooked Brook becomes synonymous with a huge, stinking, toxic rubbish tip - our business and others, will take a down turn and we will not be able to employ our workers who consist of long term contractors and casual employees, therefore destroying jobs and affecting the viability of the venture we have build up over 20 years.

6. De-valuing the branding of the name "Crooked Brook" - initially brings to mind peaceful cows, fields, wildflowers, bush walks, wine tasting, lovely scenery, water and Crooked Brook Forrest - now becoming synonymous with a toxic radioactive eye sore of a waste dump - Our wine labels are high quality Estate 8 paper costing us thousands of dollars each year to print. As we produce vintage after vintage, we will be unable to change the name on the bottles once this problem becomes bigger and bigger - It will most likely de-value the saleable value of our product and the amenity of the potential cellar door being within cooee of a disgusting smelly smokey ugly tip would not be attractive for people wanting to escape into a pristine region and taste wine in a beautiful, untouched location - who will compensate the lost income for our wine stock already in bottles spanning years of vintages (loss of thousands and thousands of dollars). Who will compensate us for 20 years of building up the social media and branding of Crooked Brook as a region with Crooked Brook Wines and Crooked Brook Farm (see Instagram <https://www.instagram.com/crookedbrookwines/?hl=en> and https://www.instagram.com/crooked_brook_farm/) As well as the time we have spend working at weekend markets selling our product and talking positively about the Crooked Brook region, encouraging customers to visit when the cellar door is open?

Does the council offer any free or subsidised mental health counselling services for business owners mental health as I am feeling seriously depressed by the prospect of this growing larger and larger - even that it has been allowed to get to this size in the first place :(

Cleanaway has had fires billow smoke from their Perth facilities in the past: Earlier this month, the company's [Kwinana-based recycling plant went up in flames](#) causing toxic smoke to billow across Perth's southern suburbs. Cleanaway told The West Australian at the time that the section of the recycling plant that caught fire contained chemical materials including batteries.

Meaning of terroir is below, at this rate, the wine grapes will now have the terroir of acrid smoke and rubbish :(Please see pictures below of the beautiful 566 Crooked Brook Vineyard and waterways situated only 1.6 kms from the hazardous waste - as well as the gold medal wine product.

"
terroir

/ter wa, French terwar/

noun **to pronounce**

the complete natural environment in which a particular wine is produced, including factors such as the soil, topography, and climate.

- the characteristic taste and flavour imparted to a wine by the environment in which it is produced. noun: **goût de terroir**, plural noun: **goût de terroir**

I sincerely hope that this will be denied and an alternative industrial noxious waste site will be sourced that is not the gateway to a beautiful wine region growing world class wine grapes and producing medal winning wines and ruining people's lives and businesses and local jobs in the process.

Kind regards
Katharine Williams
566 Crooked Brook Road, Crooked Brook WA 6236
Mobile : 0403 765 015

[Redacted]

- [Redacted]

crookedbrookwines@gmail.com
Kind regards
Katharine Williams
Crooked Brook Wines
Mobile: 040 376 5015

(Appendix ORD: 12.2.3D)

From: Crooked Brook Wine
To: [Garda Dardap](#), [Dardap Council](#), [Dardap Council](#), [Dardap Council](#)
Subject: Final NOTICE OF DEVELOPMENT ASSESSMENT PANEL APPLICATION FOR WASTE CELLS 9, 10 AND 12A AT THE CLEAMBITT LANDFILL FACILITY AT LOT 2 BANKSIA ROAD, CROOKED BROOK
Date: Sunday, 26 September 2021 3:42:42 PM
Attachments: Screen Shot 2021-09-26 at 2.10.24 pm.png
Screen Shot 2021-09-26 at 2.11.18 am.png
Screen Shot 2021-09-26 at 2.11.18 am.png
FinalNotice1.pdf

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Dear Dardap Council,

Further to my submission email below opposing the above development - I reattach photos of Crooked Brook Vineyard, wine products for sale and Crooked Brook Farm pictures which may not have been attached to my last email, so as to show the pristine and beautiful, well maintained vineyards, waters and lands at 566 Crooked Brook Rd, Crooked Brook WA 6236 in stark comparison to the land use 1.6 kilometres away a dirty, dusty, burning heap which involved the clearing of natural bush on conservation park to make way for mine waste and tailings.



(Appendix ORD: 12.2.3D)



(Appendix ORD: 12.2.3D)



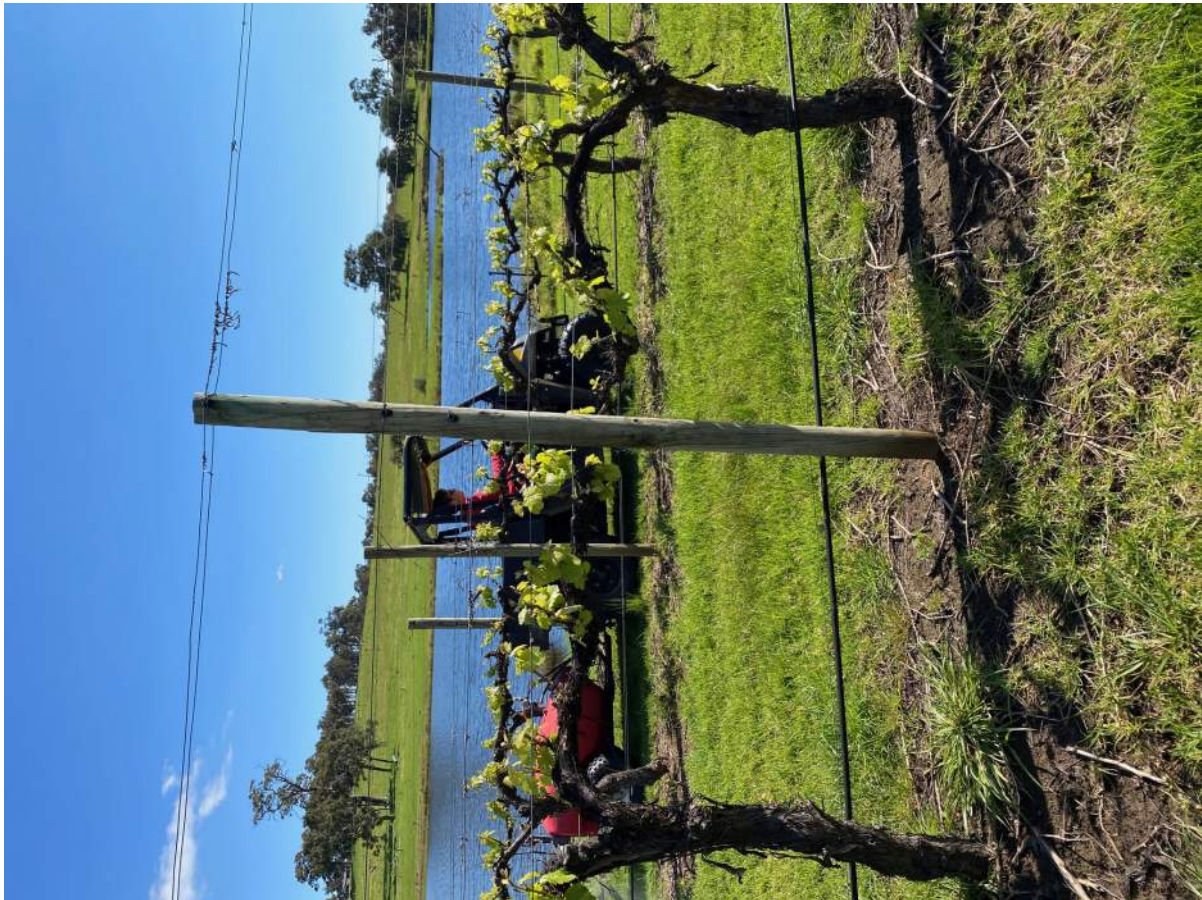
(Appendix ORD: 12.2.3D)



(Appendix ORD: 12.2.3D)



(Appendix ORD: 12.2.3D)



Kind regards
 Katharine Williams
 Sent from my iPhone

Begin forwarded message:

From: K Williams <crookedbrookwines@gmail.com>
Date: 26 September 2021 at 2:36:36 am AEST
To: K Williams <kathwill3@gmail.com>
Subject: Fwd: NOTICE OF DEVELOPMENT ASSESSMENT PANEL APPLICATION FOR WASTE CELLS 9, 10 AND 12A AT THE CLEANAWAY LANDFILL FACILITY AT LOT 2 BANKSIA ROAD, CROOKED BROOK

(Appendix ORD: 12.2.3D)

Begin forwarded message:

From: K Williams <crookofbrookwines@gmail.com>
Subject: NOTICE OF DEVELOPMENT ASSESSMENT PANEL APPLICATION FOR WASTE CELLS 9, 10 AND 12A AT THE CLEANAWAY LANDFILL FACILITY AT LOT 2 BANKSIA ROAD, CROOKED BROOK
Date: 26 September 2021 at 2:23:41 am AWST
To: suzanneocchipinti@dardamp.wa.gov.au
Cc: Suzanne Occhipinti <Suzanne.Occhipinti@dardamp.wa.gov.au>, Cecilia Muller <cecilia.muller@dardamp.wa.gov.au>

Dear Cecilia,

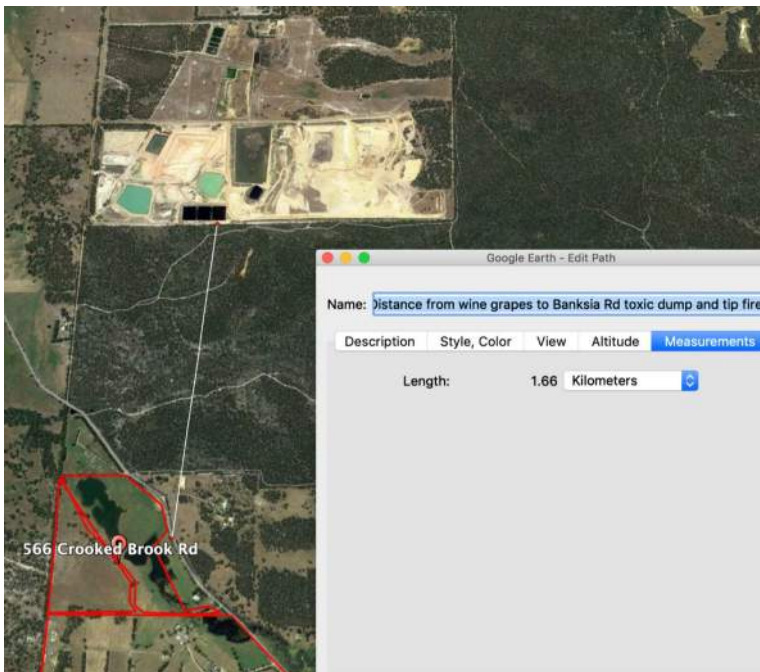
Thank you for the opportunity to make submission regarding the above. As I am a member of the Dardamp Environmental Action Group, I note that the closing date for submission is 26 September. If I have in any way misunderstood the closing date - please accept my apology, as I believed this to be the case, and feel that it is critical that I make this application to you regarding the above proposition as my property and business is less than 2 kilometres away from the above landfill facility.

We are the owners of a 100 acre property which is less than 2 kilometres away from the toxic rubbish site stated above. Our pristine property grows wine grapes and has produced gold medal wines for over 20 years <https://crookofbrookwines.com.au/about-us/>. We have a commercial interest in this venture which has been built up by working weekends and labour on holidays by a family partnership over the last 23 years. We have a Producers Licence to sell wine and currently pursuing an amendment to our cellar door licence to open for tastings as soon as we are able to have an outlet to sell our abundant stock. A lifetime has been spent building up this asset at 566 Crooked Brook Road, Crooked Brook supported by working external jobs to support the venture. It is literally heartbreaking to see this happening less than 2 kilometres away and a devastating worry to the mental health of the owners of this venture, that the wine crop will be tainted by aerial rubbish smoke taint and the business venture will be ruined by the visual aspect of the neighbouring land use activities. Never in a million years would I have believed that a neighbour would be allowed to run a toxic rubbish dump ever increasing in size extremely closely so as to affect the viability of my business and health of the land and water. I would like to invite those who call this work a 'hobby' to come and work on the vineyard and surrounding 100 acres - get ready to come out from behind the desk and you will be put to good use with some hard work!

We also have beautiful clear pure water here at Crooked Brook Farm and we wish to continue to care for the pure nature of this as the Crooked Brook runs through the property with 2 huge dams. The health of the birdlife, marron and wildlife depend on the pristine water. There are also beef cattle running on the property who drink from the dam and eat the grass, a small orchard and vegetables grown.

I would be absolutely opposed to the increase in size with new waste cells and the increase in height as well as the increase in type of waste (level 3 is not acceptable for this region) due to the closely proximity of the facility to my business and land. In fact I would like the toxic waste and rubbish removed to a more appropriate industrial waste area, where it cannot leach into the local waterways and smoke from fire hazards can't damage my crop. The reasons are as follows:

1. The risk of fire/smoke ash taint to the wine grapes is an unacceptably high risk - all and any fires on the tip will ruin our wine crop with what is known as 'smoke taint' which can be tasted in the wine - this is a devastatingly real reality - who will compensate us for the commercial wine grape crop? We take up to 15 tonnes of grape annually and sell under the 'single vineyard' label meaning these grapes are impossible to replace as they gain the 'terroir' of the Crooked Brook region. We have commercial deals with other Geographie vineyards (such as La Violetta in the Great Southern and Fifth Estate Wine in Harvey) who take large parcels of our grapes, as well as making consistent vintages of our own wine under the Crooked Brook Wines label for distribution in the future cellar door. We rely on the stable micro climate of Crooked Brook and would never have started a wine venture less than 2 kilometres from a huge toxic, fire prone, visually disgusting, rubbish dump. This is very very disappointing and I am in a state of disbelief that this has been allowed. Please read the news article attached about numerous fires at the Banksia Road dump which sits only 1.66 kilometres from our wine grape (picture of fire on the Banksia Rd tip below) <https://thwest.com.au/news/perth/third-cleanaway-recycling-plant-hit-by-fire-in-three-months-as-dardamp-bssol-facility-damaged-ng-b881445209/>



Smoke taint article below link included here: https://www.wa1.com.au/industry_support/winemaking_resources/smoke-taint/
When vineyards and grapes are exposed to smoke this can result in wines with undesirable sensory characters, such as smoky, burnt, ash or medicinal, usually described as 'smoke tainted'. Consumers have been shown to respond negatively to smoke tainted wines. The compounds in smoke primarily responsible for the taint are the free volatile phenols that are produced when wood is burnt. These can be absorbed directly by grapes and can bind to grape sugars to give glycosides that have no smoky aroma. Often these glycosides are described as smoke taint precursors. During fermentation (and also over time in barrel or bottle) these glycosides can break apart, releasing the volatile phenols into the must or wine, and allowing the smoky flavour to be perceived. These glycosides can also release the volatile phenols in the mouth during the drinking of wine, which may contribute to the perception of smoke taint.

(Appendix ORD: 12.2.3D)

2. Visual amenity - an eyesore on the landscape not in keeping with the wine tourism badge promoted and supported by government initiatives, not in keeping with the tourism branding of the region not in keeping with surrounding land use. This toxic dump is right on the doorstep of a conservation park? How is this okay... This is surprising and shocking to say the least - since when does general farming include scarring the landscape and putting toxic, radioactive slurry of tailings waste into ponds which have a high probability of failing and have to remain stable for, at a conservative estimate, over 10,000 years, with the stability of the site only just being investigated now??? Sounds like a colossal failure of every level of government in looking the other way.



Link to video showing the placement of the waste in on potable water supply on a fault line - https://www.facebook.com/Dardamenvironmentalactiongroup/videos/148374710469348/?_so=permalink&rv=related_videos
"Western Australia has the weakest planning on hazardous waste."

Nowhere else in Australia can you place radioactive waste in a landfill. Or in the vicinity of a town, a fault line a conservation area but most importantly on potable water supplies. Same goes for hazardous waste."

3. Toxic waste leaching into the waterways could very well lead to radioactive levels in the ground water and Crooked Brook which is our namesake and our Business Name. This high quality water is currently used as drinking water for humans and animals - who will compensate us for illness and loss of income and the future cleanup of the waterways? Once it is in the environment it will be very difficult to remove - this will de-value our property and business - who will compensate us?

Tailings dams are highly likely to fail and discharge toxic waste into the environment. please read following article with link here: <https://www.hindawi.com/journals/ace/2019/4159316/>

"However, tailings dams frequently fail, resulting in the discharge of significant quantities of tailings into the natural environment, thereby causing grievous casualties and serious economic losses. This paper discusses reasons including seepage, foundation failure, overtopping, and earthquake for tailings dam failures and explores failure mechanisms by referring to the available literature."

"Contamination has been recorded from failures of tailings dams such as the one in Spain:

In southern Spain, the Los Frailes tailings dam failed in 1998, causing the rockfill dam to slide forward and release 1.3 million m³ of fine pyrite tailings and 5.5 million m³ of tailings water [98, 99]. **The deposition of tailings severely polluted the rivers and surrounding residential lands.**"

4. Truck traffic on scenic local roads not built to take the heavy load. Large groups of cyclists and tourists meander their way through the region for fresh air, exercise and beautiful scenic views. How will you guarantee the safety of cyclists, tourists and local families with a huge increase in trucks? Kids ride their bikes around these roads also. There have been cases of truck drivers moving down cyclists - The only Witness - makes tragic reading https://www.abc.net.au/news/2020-02-24/one-person-at-centre-of-two-deaths-geoffrey-sleba/11866504?_r=5&_t=FullFragment

"At his trial for the death of Martin Pearson in February 2018, the different worlds of the cyclist and Geoffrey Sleba came together, entwined in an absolute tragedy on a road.

Geoffrey said he had no memory of hitting the cyclist. The defence presented evidence that Geoffrey had undiagnosed severe obstructive sleep apnoea at that time and could have fallen asleep without realising it. "He drove off because he didn't know it had happened," suggested Jeff Hunter QC for the defence.

Crown prosecutor Sam Bain countered that there "would have been a very big, audible bang"

5. Loss of local jobs and tourism - when Crooked Brook becomes synonymous with a huge, stinking, toxic rubbish tip - our business and others, will take a down turn and we will not be able to employ our workers who consist of long term contractors and casual employees, therefore destroying jobs and affecting the viability of the venture we have build up over 20 years.

6. De-valuing the branding of the name "Crooked Brook" - initially brings to mind peaceful cows, fields, wildflowers, bush walks, wine tasting, lovely scenery, water and Crooked Brook Forrest - now becoming synonymous with a toxic radioactive eye sore of a waste dump - Our wine labels are high quality Estate 8 paper costing us thousands of dollars each year to print. As we produce vintage after vintage, we will be unable to change the name on the bottles once this problem becomes bigger and bigger - it will most likely de-value the saleable value of our product and the amenity of the potential cellar door being within cooee of a disgusting smelly smoky ugly tip would not be attractive for people wanting to escape into a pristine region and taste wine in a beautiful, untouched location - who will compensate the lost income for our wine stock already in bottles spanning years of vintages (loss of thousands and thousands of dollars). Who will compensate us for 20 years of building up the social media and branding of Crooked Brook as a region with Crooked Brook Wines and Crooked Brook Farm (see Instagram) <https://www.instagram.com/crookedbrookwines/?hl=en> and https://www.instagram.com/crooked_brook_farm/ As well as the time we have spend working at weekend markets selling our product and talking positively about the Crooked Brook region, encouraging customers to visit when the cellar door is open?

Does the council offer any free or subsidised mental health counselling services for business owners mental health as I am feeling seriously depressed by the prospect of this growing larger and larger - even that it has been allowed to get to this size in the first place :(:(

Cleanaway has had fires billow smoke from their Perth facilities in the past: Earlier this month, the company's [Kwinana-based recycling plant went up in flames](#), causing toxic smoke to billow across Perth's southern suburbs. Cleanaway told The West Australian at the time that the section of the recycling plant that caught fire contained chemical materials including batteries.

Meaning of terroir is below, at this rate, the wine grapes will now have the terroir of acrid smoke and rubbish :(. Please see pictures below of the beautiful 566 Crooked Brook Vineyard and waterways situated only 1.6 kms from the hazardous waste - as well as the gold medal wine product.

terroir

ter wa .French terwar/

*rd*gam to pronounce

the complete natural environment in which a particular wine is produced, including factors such as the soil, topography, and climate.

- the characteristic taste and flavour imparted to a wine by the environment in which it is produced.
- noun: **goût de terroir**; plural noun: **goûts de terroir**

I sincerely hope that this will be denied and an alternative industrial noxious waste site will be sourced that is not the gateway to a beautiful wine region growing world class wine grapes and producing medal winning wines and ruining people's lives and businesses and local jobs in the process.

Kind regards
Katharine Williams
566 Crooked Brook Road, Crooked Brook WA 6236
Mobile : 0403 765 015



cpk@crookedbrookwines@gmail.com
Kind regards
Katharine Williams
Crooked Brook Wines
Mobile: 040 376 5015

(Appendix ORD: 12.2.3D)

From: [Kathryn Keffe](#)
To: [Submissions Planning](#)
Subject: Submission in Opposition to DA Report 22321
Date: Tuesday, 21 September 2021 12:55:28 PM
Attachments: [IMG_0245.jpg](#)
[IMG_0222.jpg](#)

Dear Sir/Madam

We make this submission in opposition to the Development Application 22321 submitted by Cleanaway Solid Waste Pty Ltd at the Crooked Brook Site in the Shire of Dardanup.

We reside in Henty on the Darling Scarp and also operate an agricultural and tourism business at this location. We moved here in 2007 and have seen this pristine area grow as a tourism destination, attracting visitors locally, from Perth, interstate and overseas. It is recognised as an emerging wine region, producing wines of a premium quality due to pristine fruit and winning awards on a national and international level. Our business is built on good agricultural practices without the use of chemicals and focusing on soil health. We believe the Shire cannot promote the area as a pristine agricultural and tourism region while allowing additional development of toxic waste cells.

While we understand that the current waste disposal plant operated by Cleanaway has been operating since 1999, we oppose the development of the new cells, the subject of this application, as we feel it will have a significant negative impact on the area, both aesthetically and environmentally. The fact that the final height of the new cells will be 151 meters AHD, it will have a direct visual impact from our cellar door which looks Southwest from the scarp down the Valley. We have invested a lot of time and money establishing this business and we feel allowing this proposal to proceed will undermine our business and the Shires direction for this region in their planning guidelines and marketing of the area.

We believe the success of this application will have a massive impact on the local community in Dardanup, Ferguson & Henty who choose to live in a rural environment as their lifestyle choice. It will open up an even larger scar on the landscape which is already very visible from Ferguson Road. The trucks on Ferguson and Waterloo Roads, in conjunction with increasing cyclist and tourist traffic, are already problematic and this development will further compound this problem with the potential for a serious accident.

We have read the expert reports attached to the application and the visual impact assessment appears to only look at the impact on a radius of 4KM from the site of the proposed development - properties such as ours that will have a direct visual impact have not been considered and the height of the proposed development will have a significant impact on our outlook, a significant asset to us as tourism operators.

We have attached 2 photos of the outlook from our cellar door to support our opposition to the proposed development from a visual perspective on our tourism business.

Regards

Ashley & Kathryn Keffe
Green Door Wines
1112 Henty Road
Henty WA 6236

(Appendix ORD: 12.2.3D)

*Dardanup
Conservation
Park*

33°23'4



Green Door
Winery

Dropped pin



33°23'45"S 115°50'39"E · 177 m



GreenDoor Winery

(Appendix ORD: 12.2.3D)

From: admin@hinterlandescapes.com.au
To: [Submissions Planning](#)
Subject: Cleanaway DAP Application- Submission
Date: Wednesday, 15 September 2021 3:39:04 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.png](#)
[image006.jpg](#)

As a tourism operator and a resident of the Ferguson Valley, I want to express my concerns regarding the continued expansion of the Cleanaway landfill at Banksia Road.

We can see how far this landfill has come in 20 years and it is disturbing on a number of levels, such as the environmental, visibility, noise, dust, truck traffic issues. How worse will this become over the next 20-30 years if the Shire continue to grant expansions such as this? It needs to disappear not to grow!

As a tourism operator, I am continually asked 'what is the big mound' as we drive along Ferguson Road. It is noticed now, from miles away, without the further expansion!

The next question is always 'Why??'. Why indeed is such a large waste (contaminated) landfill dump, with waste from Perth & further, allowed by our local Shire to operate and reach ridiculous dimensions on general farming land, next to a conservation park???

It makes no sense now and makes even less sense to accommodate any further expansion.

Shouldn't the Shire be representing & supporting it's rate payers, local residents, local businesses and major tourism attractions? Surely there are numerous places to dump contaminated waste apart from a small, tranquil farming & tourism region, miles from Perth.....

I see a lot of frustrated and stressed locals as this debacle continues, please consider your local community residents!

Regards

Sherryl McDonald



+61 400 865 019



explore@hinterlandescapes.com.au



www.hinterlandescapes.com.au



Ferguson Valley WA 6236



Bunbury Geographe Tours & Charters

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(Appendix ORD: 12.2.3D)

From: [Amanda Meney](#)
To: [Submissions Planning](#)
Subject: Submission regarding Cleanaway Planning Application
Date: Tuesday, 21 September 2021 5:53:58 PM

To whom it may concern

I am writing to you in regards to Cleanaway's proposed extension of the Dardanup waste facility.

Being a young family in the area, this proposal greatly concerns us for ours and our children's health, enjoyment of our town and the environmental and aesthetic impacts this proposed extension would have.

The tourism around the Dardanup townsite is a huge drawcard to people all over the state for mountain biking, road cycling, walk trails, wineries etc. this would be greatly impacted by the tip by the smell, it's presence and it's reputation.

Us locals already have concerns about the waste facility in it's current state, and expanding the facility would be going against the best interests of this growing community and its tourism.

Expanding the waste facility would be blatantly ignoring passionate people in our community who are concerned about our local environment and the enjoyment and liveability of our town and area.

Amanda Meney & Jon Flockton
Residents of Dardanup West

(Appendix ORD: 12.2.3D)

SC & C Miller
811 Ferguson Road
Ferguson WA 6236

23rd September 2021

email: millersexcav1@bigpond.com

submissions@dardanup.wa.gov.au

SUBMISSION AGAINST CLEANAWAY JDAP APPLICATION

We would like to take this opportunity to state we ***strongly oppose*** Cleanaway and their submission to JDAP for an expansion of their rubbish tip.

VISUAL POLLUTION

151M finished level is going to tower above the existing landscape and town and to get to that height the slope will be too steep so it will never look like it is part of the natural surroundings.

TRAFFIC ON ROAD

More trucks on the road will add to what is now an unsafe situation. I am sure Cleanaway will apply to have more trucks carting rubbish to achieve the above height.

DEVALUATION OF PROPERTIES

Nobody wants to live near a rubbish site especially the size that is anticipated here. Property values will decline.

AMENITY AND NOISE-The higher up the machinery is working on this site; the further noise is going to carry across the town. The premises runs 7 days a week. No doubt extended working hours will also be applied for.

(Appendix ORD: 12.2.3D)

NATIONAL PARK RUNOFF AND LITTER

It has already been shown that litter and runoff cannot be contained on this site and has polluted the National Park.

CELL FAILURE

At the predicted 151M height, a failure in any cell will be more difficult to resolve than if it is left at a lower height.

Anyone in their right mind can see that this proposal is ridiculous and not suitable for this location.

(Appendix ORD: 12.2.3D)

From: [Christoper Morgan](#)
To: [Submissions Planning](#)
Subject: Public Notice: Cleanaway Landfill Expansion
Date: Wednesday, 22 September 2021 1:40:31 PM

Attention: Chief Executive Officer, Andre Schonfeldt

Dear Andre,

I am absolutely appalled at the proposal to increase the height of landfill at the Cleanaway site located in Dardanup. It is already an absolute disaster for our once pristine location. Instead of being a tourist mecca, the Shire of Dardanup has become a dumping ground for all types of waste from all over our state. This should never have been allowed to occur in the first place. Our community is already significantly impacted. The current site is simply in the wrong location and has already become an eye-sore, impacting many constituents, businesses and threatening the environment. Ships and boats off our coast use the scourge in the escarpment as an easily visible marker point. The submission to expand the current monstrosity can only result in personal gain for a privately owned business, and further degradation, devaluation and destruction for our beautiful region. I am already deeply disturbed that our trusted custodians allowed this landfill site to ever proceed in the first instance. It is now time for our Council to act in the best interests of their constituents, businesses and most importantly the environment.

Everyone is impacted.

The current catastrophe belies belief. The Shire cannot by any conscionable reason grant permission to make it worse!

Expansion must be stopped!

Regards,

Darline Morgan

(Appendix ORD: 12.2.3D)

Fiona Moriarty
14 Prout Rd
FERGUSON WA 6236

submissions@dardanup.wa.gov.au

21st September 2021

DEVELOPMENT ASSESSMENT PANEL APPLICATION FOR WASTE CELLS 9, 10 AND 12A, AT THE CLEANAWAY LANDFILL FACILITY AT LOT 2 BANKSIA ROAD, CROOKED BROOK AND WHICH INCLUDES CLEANAWAYS FUTURE MASTERPLAN FOR LOT 2 BANKSIA RD AND LOT 81 / LOT 4580 PANIZZA RD

This application has to be judged by its many omissions, inaccuracies and selective emphasis, beginning with but not limited to the following items.

1. The application states the area is surrounded by “hobby farms” as the first item on their short list of surrounding agricultural land use. While I presume that the JDAP may not be completely familiar with The Ferguson Valley and Dardanup area I must point out that most of the farms are highly intensive multi-generational going concerns. Many farmers own or lease multiple properties and are highly specialised with well-known branding in dairy and beef breeding, bull studs, marron, sheep, truffles, citrus, viticulture etc etc., Immediately in front of the landfill site the entire plain is privileged to benefit from a complex irrigation scheme drawing water from Wellington Dam. The extent of the irrigated area spreads to Burekup and beyond to the Northwest of the landfill site. Of course, this is also the natural flow of the aquifer water from the landfill site which risks contamination **when** (not “if”) the HDPE liners fail. This land is recognised prime Agricultural land with soils that are the envy of the rest of WA. Squander this asset at your peril. The expansion of the site may also see the fruition of the Waterloo Road extension (TPS3) across these fertile lands, reducing their viability and cutting off Dardanup from the jewel in its crown – Ferguson Valley. This would go down in history as the worst kind of planning and **contrary to the Rural Planning legislation in WA.**
2. The Environmental Management report included by Cleanaway in the IW Projects Works Application makes it clear that this application includes their “Masterplan” to increase height to 151m ADH – ie another 50% above the existing mountain of rubbish already 70m high from Banksia Rd – and another 8 or 9 cells with a closure date of 2051 at the earliest. This document also includes multiple statements that clash with reality and differ from other sections of the application. This includes but is not limited to 1) the working hours at the site are currently **6am to 10pm seven days a week** – not 6am – 6pm as stated in other parts of the application. 2) the communications and agreements

(Appendix ORD: 12.2.3D)

achieved with the Community Reference Group have been tainted by the minutes circulated that do not properly reflect the anger and dismay of community representatives at the Cleanaway managers. 3) the claimed satisfactory water bore testing - but now it appears all historical tests have been taken from inadequate and incorrectly drilled testing bores so we could already have problems with our aquifers – nobody as yet knows. 3) a blatant effort to tie in the site next door into the application showing Tronox tailings dams and other waste deposit areas on the vacant land which is a major part of Cleanaways “Masterplan”.

3. There is **no peer reviewed independent modelling** included in this application studying-

■ **The future visual impact** of this site as it grows. In appendix F the EPCAD report neglects the detail of the growing landfill mountain and the effect it will have on individual tourism, winerys and other venues overlooking the site. In fact, there are zero visual images on the proposed extended mountain from north, south, east or west. Only a few photos from behind trees, without proper representation of the full extent of the visual impact present or particularly for the future. Since the proposed extended height of 151m ADH is repeatedly mentioned in the application I consider this report to be incomplete and irrelevant as it fails to illustrate future impacts to visual amenity.

■ **The increased risk of bushfire** emanating from the many tip fires at this site. As the cells are built closer to the Eastern boundary – they already have no buffer next to the southern boundary - the conservation park and the wider range of properties through the region is more and more likely to fall victim to catastrophic fire. The lives of our volunteer firefighters and many locals are increasingly put in peril from the spread of bushfires that already occur almost annually in this tip site. The toxic fumes of this burning garbage is horrendous and exposing our fire fighters to it every year is unconscionable.

■ **The clean-up cost**, health implications and other repercussions from any failure of HDPE liners in 5, 10, 50 years’ time and what this will mean to mains water supply and to the agricultural reputation of the region. DWER has failed with their due diligence over previous amendment applications, planners will be left working with the mess. Where is the cost analysis of replacing the water supply to the entire region? Who will compensate local businesses and individuals when it goes wrong? The landfill operators walk away only thirty years after closure, but the risk continues for hundreds of years. This site stores radioactive waste and it has not been properly policed by the AARPANSA system or by the Minister for Health.

■ The increasing visual impact of the growing landfill mountain on the currently growing Ferguson Valley tourism industry which is the areas major employer, and the knock-on effects to nearby trades and suppliers. This includes the illegal overburden that was dumped on Cleanaways leased lot 81 next to this site. The height of this overburden should be a warning to planners of the height of **excavated soils to be left at the top of the hill for future capping** material. If stored according to this application, there will be a huge pile of bare earth at the top of the hill excavated from every new cell. Immediately. This **could visibly add maybe 40 metres**

(Appendix ORD: 12.2.3D)

to the height of the mountain and be immediately visible in all directions around Ferguson Valley, remaining that way until final closure of the site. The visual impact of this is contrary to the planning objectives of Ferguson Valley and for the shires LDP for Lot 2.

- The cost to many businesses locally who are primary producers when their **“Dardanup” and “Ferguson Valley” branding** will be impacted by any negative environmental event or perceived issues caused by this inappropriately located and mismanaged landfill

- The implications on the **intensive farming surrounding the site with its extensive irrigation** scheme servicing dairy, beef, export hay, citrus, bull breeding, viticulture and more.

- The **impact of noise with reversing beepers ON**, once the site works is concentrated on and above the ridge line, and the effect this will have on tourism venues, festivals and events in the tourism hot spot of Ferguson Valley. Acoustic report supplied in this application was compiled at a time when Cleanaway was honouring their agreement with locals to keep their reversing beepers off. This **Acoustics report is therefore irrelevant.**

- The impact on the health of the conservation park as the **dust** spreads further over the flora and fauna

- The effect of **extreme weather events** on the existing 70m high steep sides of the constructed mountain and the inadequate leachate and titanium sludge ponds. But especially on the extra 36m high proposed retaining banks of the “Mound” landfill (making it tower 110m over the fields) if an earthquake such as that of Collie 2015, Nourning Spring 1963, Meckering 1968, Busselton 1959, Yallingup 1946 or Lake Muir 2018 or other “shallow intraplate quakes” were to hit nearer the site. When an earthquake hits closer to this site, according to eminent seismologists, it will incorporate the exaggerating effect of the longest Faultline in Australia that this landfill mountain is attached to. The consultants paid by Cleanaway to write the reports for this application are not seismologists, and even the best information available will not pin point where the next seismic event will occur, or its strength. What we do know is that **“Mound” constructed landfills are contrary to the Victorian landfill legislation** quoted in this application due to their inherent instability and risks from heave, erosion or other extreme weather event

- The effect on the **mental health and physical health** of locals from Bunbury to Australind who use this area for recreation, exercise, and relaxation but now have to contend with increasing trucking and truck sizes (as per the BORR display centre maps), the noise, dust and odour, and the toxic scar on their valley. The dangers of ever-increasing truck movements on cycling clubs, horse riders, school buses and caravanners is a tragedy waiting to happen.

4. Dardanup already has over ten times the level of Radionuclides in their drinking water than acceptable by WHO, EU and USA, and that is NOT all background radiation. I understand this contamination is compounded by the mineral sands industry and the historical cavalier attitude of government authorities with regard to the disposal of the waste from the titanium refinery. If JDAP relies on DWER and EPA for advice and monitoring of environmental issues, then they are blindly complicit in the result. DWER

(Appendix ORD: 12.2.3D)

officials have admitted to me personally that they have been “**asleep at the wheel**” with regard to the monitoring of this Cleanaway site. Why would any planning authority continue to put the future of the SW at risk in the full knowledge that DWER have not been doing their job?

Please refer to Maurice Walsh PhD paper on Radionuclides in SW drinking water.

<https://researchrepository.murdoch.edu.au/id/eprint/12385/>

5. There has been no acknowledgment by the applicant for the **countless written objections** to Council, to DWER, to EPA, to the Government, and the many heated objections voiced at “community consultation meetings” used as a box ticking exercises by the applicant. There has been historical silencing of whistle blowers and well-educated citizens completely ignored despite their invaluable local knowledge. Complaints made to Pollution watch over the years have been dismissed as “low risk” until the last year or so. Complainants did not even receive any courtesy letters or explanation on the lack of any investigation. There is now no excuse for the planning authorities to hide behind consultants and environmental departments which they may feel are more responsible for the control of this site. **Rural and Planning laws must be applied** – and it appears this has not been the case. Instead, it has been one appalling political decision after another. Planners must now act responsibly and end this disaster waiting to happen
6. This site will stand for decades as a testament to incompetent planning, ineffective management of responsible authorities and general institutional negligence regarding the health and future of an entire treasured region and its residents. The negligent dumping of toxic refinery waste over the increasingly populated SW of WA – particularly the radioactive titanium mineral sands industry – is a past, present and future health hazard, and one that conscientious planners must take into consideration from now on. **All titanium refinery tailing ponds at this site should be emptied and their contents removed to a properly managed mine site, adhering to the stringent Mines Act** and interred in a manner that should have been implemented originally. Historical government approval of the careless disposal of this radioactive waste over the SW region must stop NOW and be properly rectified. Planners must make this happen if they want the area to thrive. Besides, how is a license for “Liquid” waste apply to these ponds when the “liquid” is removed and taken back to Kemerton? I believe the licensed category 61 for liquid waste is incorrect for this dangerous and largely solid product.
7. The **petition 002 and 169** that I presented to WAs Legislative Council illustrates the public objection to this landfill site in this location. Over **3100 people signed** this petition over a three-week period, most from well outside of the Dardanup area. Annually, tens of thousands of visitors from Perth enjoy holidaying in this area, but, almost all are bemused by the sight of this landfill mountain. It will remain a planning and

(Appendix ORD: 12.2.3D)

environmental embarrassment for many years to come. The petition pleads for an **end to ALL expansion at this site and a three-year exit plan from landfill in the area.**

8. The more this site expands the more the risk of contamination increases. The tax payer will pay the price but the locals will pay with their health and their children's health, their businesses and their jobs. Every new cell and every extra ton of waste puts pressure on the thin layer of ground separating the corroding HDPE liners from the potable aquifers below. This water is not only used for everyone's mains water but is also used by farmers, so risking contamination of the food chain and our international reputation for clean and reliable produce. Every ton of waste adds to the quantity of leachate in the inadequate leachate ponds. According to the most recent letter received from the Minister for Environment these **leachate ponds are dangerously lacking in freeboard and requiring investigation.**

Of course, this is not mentioned by the applicant and is yet **another massive environmental fail on behalf of DWER.**

No one knows if these leachate ponds have already overflowed.

All water bore testing is irrelevant to date due to incorrect design and placement of testing bores.

DO NOT IMAGINE THIS IS GOING TO END WELL.

DO NOT RELY ON DWER TO GET THIS RIGHT.

Below are some recent photographs taken from various points on the tourist route around Ferguson Valley. Next to the pictures are the artists impression of what could be visible once the mountain grows to 151m ADH. The applicant has provided no modelling on this matter, and yet the Cleanaway "Masterplan" appears to be very much a part of this application



Above left. Scenic view today from Pile Rd



Above - future horizon view will be polluted by landfill

(Appendix ORD: 12.2.3D)



Above left,
Landfill from Waterloo Rd meeting Ferguson Rd



Above right
Future of landfill with Waterloo Rd extension
over prime irrigated farmland



Above left-Ferguson Farmstay view today



Above right – horizon view will look down on
landfill



Above left
Today's landfill appears higher than the ridge



Above right
Measure off the 50% extra height - DISASTROUS

(Appendix ORD: 12.2.3D)



Above left-view from Green Door Winery today. Above right - Future view will feature landfill

The quicker the existing cells are sealed up and allowed to dry the better.

Any expansion will exacerbate the already tenuous situation and **MUST NOT** be approved.

The whole place is a ticking timebomb and the authorities that have allowed it to happen will be judged by the wider community as complicit and negligent of their duty of care.

The Rural Planning legislation must be applied meticulously

Thank you for your consideration

Yours sincerely

Fiona Moriarty

Fiona Moriarty

0401 156 701

(Appendix ORD: 12.2.3D)

From: [City Ceilings](#)
To: [Submissions Planning](#)
Subject: Cleanaway DAP Submission
Date: Monday, 13 September 2021 3:20:17 PM

Submission on Cleanaway

Our biggest concern here is the impact this will have on several issues for the future.

The height of the next cell.

Effect on tourism which has taken years to reach where it is now.

Trucks continuous on our roads.

The dust and noise to locals.

Why can't all this be taken to some outlying areas where farms, homes, businesses and our children's future

will not be impacted, instead of destroying prime farm land, tourism and our town here.

Why are the powers to be not considering any of the concerns held by local residents?

It is not fair that money should be the cause of all this eventual disaster if it goes ahead.

Bill and Del Nuske

(Appendix ORD: 12.2.3D)

From: [Goyder, Simon](#)
To: [Submissions Planning](#)
Subject: Cleanaway Landfill Development Application September 2021
Date: Thursday, 23 September 2021 12:29:44 PM

CAUTION: This email originated from outside the Shire of Dardanup.

Do NOT click links or open attachments unless you recognize the sender and know the content is safe. Do NOT enter any username or passwords and report any suspicious content.

I am writing to **Strongly OPPOSE** the Cleanaway Development Application at Lot 2 Banksia Road Dardanup.

We have a young family who attend one of the two local primary schools in the area, we have invested a significant amount of money in the area along with others landholders and strongly believe this application should be REJECTED by the Shire of Dardanup and WA Government. We have invested heavily in our local historic Homestead/Farm which was built in **1875** and we are considering investing further into the historically significant property, but will cease this investment and potentially leave the area if this application is not REJECTED.

The existing facility is a scar on the landscape/ region which is heavily marketed as the 'Ferguson Valley Tourist Drive' and I along with other farmers, viticulturalists, tourism operators and residents have invested heavily in the region only for our investments to be eroded by a non conforming/ industrial facility which should be relocated, let alone expanded.

A number of reasons to **REJECT this Application;**

The Cleanaway Facility is already;

A **visual disgrace** to the region which can be easily seen from the Ferguson Road, Waterloo Road, South Western Highway, Boyanup Picton Road and City of Bunbury and already is higher than the natural ridge landscape and seriously concerns myself and many others that they have approval even to the current height. I have always been aware that a facility such as this should have a significant 'Buffer Zone' to reduce the environmental impacts on the local community, this is severely lacking!

Dust Pollution; Is very evident and I have supporting footage to prove that a dust problem already exists and will only be worsened by any extension to overall height and extensions to the existing facility.

Odour Pollution; A significant level of unpleasant odours are evident from the existing facility especially when south easterly winds are occurring which expel across the local area including the townsite of Dardanup.

Noise Pollution; Noise, Odour and Visual pollution are already having significant impacts on the local and visiting community, what will be the increased impacts from the Expansion Application, these need to be outlined and failing to investigate is further reason for this to be rejected.

Trucking Congestion; With 2 Primary Schools within less than 10kms from the site, the considerable increase in trucking is purely evident on a daily basis, we have personally witnessed children walking/ cycling on nearby roads and being close to run over by the large scale and frequency of trucks from all over the state to the existing facility.

Groundwater/ Local Waterway runoff; We have personally viewed water runoff from the site which fills into local waterways including the Crooked Brook and is a serious concern during heavy rainfall periods. Why do we have 'Hazardous Waste Facility' sitting above some of the states pristine Water Aquifers. Where are our EPA and Shire Planning Departments to even consider this initial planning application let alone approve an extension application. An initial planning mistake was obviously made with the initial planning process regarding the location of this facility and needs to be rectified before further community and environmental impacts escalate.

(Appendix ORD: 12.2.3D)

Agricultural/ Residential/ Tourism Region; Why do we have such a heavily impacting facility right in the middle of some of the most pristine Dairy/ Beef and Viticultural Land within the state or even country. Surely our planning departments/ Shire of Dardanup have learnt from previous planning mistakes and will reject the current application and even look to relocate the entire facility.

A large number of visitors from Perth and interstate are drawn to the pristine 'Ferguson Valley Tourism' precinct. Nearly every visitor we speak to ask us "What is that eyesore?" on the hill and when we explain that it is a substantial Waste Facility they are shocked and dumfounded that a facility such as that is within the significant agricultural/ Tourism area and even more dumfounded that it sits above significant Water Aquifers and Water courses.

A large number of local residents such as ourselves have been drawn to the region and invested substantial amounts of capital in building houses/ infrastructure and businesses in the region. It is now time for the **Shire of Dardanup to stand up and represent the rate payers** who are paying substantial Shire Rates to the council to represent and support the local rate payers and reject the extension of this facility within the Shire of Dardanup.

Please STRONGLY REJECT this current Development Application.

Simon Goyder

143 Ferguson Road, Dardanup.

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(Appendix ORD: 12.2.3D)

From: peppermintbend@bigpond.com
To: [Submissions Planning](#)
Subject: RE: Public Comment on Development Assessment Panel Application for Waste Cells 9, 10 and 12A at the Cleanaway Landfill Facility at Lot 2 Banksia Road
Date: Thursday, 23 September 2021 6:28:59 AM

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Dear Andre Schonfeldt, please see attached email from our son that we fully concur with, we have lived in this district for generations and feel that this proposal is a threat to the community.

Regards

Steve and Terri Gibbs
10 Wellington Mill Road Ferguson
+61 414 492 174

-----Original Message-----

From: Jordan Gibbs <jordan.t.gibbs@gmail.com>
Sent: 21 September 2021 21:18
To: submissions@dardanup.wa.gov.au
Subject: Public Comment on Development Assessment Panel Application for Waste Cells 9, 10 and 12A at the Cleanaway Landfill Facility at Lot 2 Banksia Road

Dear Andre Schonfeldt,

I am writing in regards to the Public Notice for the Development Assessment Panel Application for Waste Cells 9, 10 and 12A at the Cleanaway Landfill Facility at Lot 2 Banksia Road, Crooked Brook.

My family have lived in the Ferguson Valley and Crooked Brook area since the 1850's. As a child my school holidays spent on my grand parents farms were some of my most treasured memories. Unfortunately the ongoing development of the waste disposal site at Lot 2 Banksia Road has created an eye sore on the picturesque drive into these tourist areas. I can't help but be disappointed when driving in the area and seeing the large earth embankments protruding above the tree line. With the application seeking approval for an increase of almost 50% to 149m AHD the situation will only get worse.

Approval of this proposal will also adversely affect the growing tourism and wine industry in the Ferguson Valley area. Last year a significant number of signs were installed across the southwest directing tourists to the "Ferguson Valley Tourist Drive". This drive runs along Ferguson Road and past the proposed development area. How are the local businesses and tourist operators expected to explain the mountain of rubbish in the so called tourist area? The Dardanup Shire's Vision 2050 document for future development lists tourism as one of the five pillars of the Shire's economy. Ruining the entry to one of the key tourism areas will not help encourage visitors to visit nor return for multiple visits. Especially when the final height of the waste development will likely be visible from the roads and bridges of the Bunbury Outer Ring Road, the key road used by future southbound tourists. Again, the Vision 2050 document states 90% of respondents support further promotion of tourism within the Shire, whilst the document lists the Ferguson Valley Tourism Area as a specific land use and therefore key to growing tourism opportunities in the Shire. This emphasises the importance of protecting not degrading this key tourism asset as highlights the residents support for growing this tourism location.

The Shire of Dardanup's Vision 2050 document claims Sustainability as a key aspiration with 91% of respondents supporting high tech recycling and waste processing facility. I would not call burying waste in the

(Appendix ORD: 12.2.3D)

ground high tech waste processing and therefore the site is not in keeping with the Shire's own vision.

Cleanaway claim that the adjacent waste disposal site at Depiazzi Depot and the zoning of Lot 4580 as approved for waste disposal and processing to occur means that the site is located appropriately within the surrounding local content. As I am sure your aware the historical zoning was unlikely to consider the potential tourism opportunities within the adjacent area, nor was it likely expected at the time that the height of the waste disposal area would grow to a size visible from the surrounding tourism area. The report also fails to mention that the site is bounded on two sides by the Dardanup Conservation Park, an area specifically set aside for nature conservation which would be adversely impacted by wind blown rubbish and any potential spills or contamination from the waste processing site.

The Landscape and Visual Assessment report (Appendix F of the submission) states the District Landscape Area as "Landscape elements combine to produce a rich rural landscape that at times affords long and broad views from certain locations. However the maturity and density of vegetation often obscures long distance views." I would imagine the author of the report has not driven down Ferguson Road where the existing disposal site is clearly visible from the key tourist road as it sits higher than the referenced vegetation.

Under section 3.4 of the Landscape and Visual Assessment report it states that "no key viewing locations allow a broad open view of the site. The proposed landform to a total height of 149m AHD plus capping will still only be observed in glimpsed locations". This statement is false, an increase in height of the site by an extra 50% will be visible from both Pile Road and Ferguson Road. So unless the Shire is going to encourage tourist to enter the Ferguson Valley Tourist Area from Collie or Donnybrook then visitors to the area will have no choice but to be visually assaulted by this eye sore.

I'd also note that the report was developed and paid for by Cleanaway and was revised seven times by Cleanaway prior to submission to the council. Would the larger number of revisions be due to Cleanaway not supporting the content in the original report? Perhaps the original reports were not so supportive of the visual impacts of the site.

The basis for the report is that in 2045 the site will be rehabilitated and no longer visible. However, it doesn't seem to consider the impacts before the completion of the rehabilitation (if it is successful). The visual pollution will have spent the last 20 years dissuading tourist from returning and impacting the growth of the overall tourism industry within the Shire.

When considering the Development is in opposition to the Shire's Vision 2050 and it's own aspirations of a Self Sufficient and Sustainable Shire promoting tourism, world class waste disposal, promotion of sustainable development practices and identifies the Ferguson Valley as a key tourism area I hope the Shire can see sense, follow the community outcry and put a stop to this development.

Thank you for taking the time to read my comments.

Jordan
10 Wellington Mill Road, Ferguson

(Appendix ORD: 12.2.3D)

From: [Saunders, Richard](#)
To: [Submissions Planning](#)
Subject: Cleanaway Landfill Development Application September 2021
Date: Thursday, 23 September 2021 12:40:44 PM

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I am writing to **Strongly OPPOSE** the Cleanaway Development Application at Lot 2 Banksia Road Dardanup.

We have recently relocated and invested heavily by building a house and farming infrastructure in what we believe to be a pristine and superb agricultural region of W.A. It belies disbelief that any persons of reasonable and sound mind could possibly put a toxic waste facility in such an area of a state that is spoilt for more suitable industrial locations.

The existing facility is a scar on the landscape/ region which is heavily marketed as the 'Ferguson Valley Tourist Drive' and I along with other farmers, viticulturalists, tourism operators and residents have invested heavily in the region only for our investments to be eroded by a non conforming/ industrial facility which should be relocated, let alone expanded.

A number of reasons to **REJECT this Application;**

The Cleanaway Facility is already;

A **visual disgrace** to the region which can be easily seen from the Ferguson Road, Waterloo Road, South Western Highway, Boyanup Picton Road and City of Bunbury and already is higher than the natural ridge landscape and seriously concerns myself and many others that they have approval even to the current height. I have always been aware that a facility such as this should have a significant 'Buffer Zone' to reduce the environmental impacts on the local community, this is severely lacking!

Dust Pollution; Is very evident and I have supporting footage to prove that a dust problem already exists and will only be worsened by any extension to overall height and extensions to the existing facility.

Odour Pollution; A significant level of unpleasant odours are evident from the existing facility especially when south easterly winds are occurring which expel across the local area including the townsite of Dardanup.

Noise Pollution; Noise, Odour and Visual pollution are already having significant impacts on the local and visiting community, what will be the increased impacts from the Expansion Application, these need to be outlined and failing to investigate is further reason for this to be rejected.

Trucking Congestion; With 2 Primary Schools within less than 10kms from the site, the considerable increase in trucking is purely evident on a daily basis, we have personally witnessed children walking/ cycling on nearby roads and being close to run over by the large scale and frequency of trucks from all over the state to the existing facility.

Groundwater/ Local Waterway runoff; We have personally viewed water runoff from the site which fills into local waterways including the Crooked Brook and is a serious concern during heavy rainfall periods. Why do we have 'Hazardous Waste Facility' sitting above some of the states pristine Water Aquifers. Where are our EPA and Shire Planning Departments to even consider this initial planning application let alone approve an extension application. An initial planning mistake was obviously made with the initial planning process regarding the location of this facility and needs to be rectified before further community and environmental impacts escalate.

Agricultural/ Residential/ Tourism Region; Why do we have such a heavily impacting facility right in the middle of some of the most pristine Dairy/ Beef and Viticultural Land within the state

(Appendix ORD: 12.2.3D)

or even country. Surely our planning departments/ Shire of Dardanup have learnt from previous planning mistakes and will reject the current application and even look to relocate the entire facility.

A large number of visitors from Perth and interstate are drawn to the pristine 'Ferguson Valley Tourism' precinct. Nearly every visitor we speak to ask us "What is that eyesore?" on the hill and when we explain that it is a substantial Waste Facility they are shocked and dumbfounded that a facility such as that is within the significant agricultural/ Tourism area and even more dumbfounded that it sits above significant Water Aquifers and Water courses.

A large number of local residents such as ourselves have been drawn to the region and invested substantial amounts of capital in building houses/ infrastructure and businesses in the region. It is now time for the **Shire of Dardanup to stand up and represent the rate payers** who are paying substantial Shire Rates to the council to represent and support the local rate payers and reject the extension of this facility within the Shire of Dardanup.

Please STRONGLY REJECT this current Development Application.

Richard and Gai Saunders

53 Warburton Rd

Crooked Brook

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(Appendix ORD: 12.2.3D)

Today is my last day to put in a submission, I am working on my 15th and final fire sculpture for the Bull and Barrel Festival and in the background I can hear a bulldozer tracking about and still there a reversing beeper. This is the sound track that has been going on for years to constantly remind me of the millions of tonnes of technically enhanced radionuclides (water soluble) on a site with no proper hydrogeology study on a fault line and the crucial 3 aquifers recharge below...

Is there a chance that embers from fires or mechanical or accidents could rupture these containment liners.



While I am mindful of the hazards associated with the unresolved composition of the tailings and the misdeeds of

(Appendix ORD: 12.2.3D)

Cleanaway and their being responsible to safely manage them is doubtful my hope is that others will argue this case.

My family appeals for the council to reconsider. Our grounds is that it will gravely impact on the social amenity of both Dardanup and the Ferguson Valley and the investment we collectively share. The photo below shows the site from our home and the following one is from the township.



It's not hard to imagine this in 10 years time with the current level of waste let alone a massive increase that the tailings involve with the projected heights and the expansion planned towards the township.

We have spent 40 years here in this bucolic setting that has been corrupted as you can easily see. The future is frightening and we intend to leave at considerable cost which is a fate that the State Government has visited on us.

Not only is it a blow to us but to the community, the festival that attracts nearly 20,000 will be missing a feature event. The Bull

(Appendix ORD: 12.2.3D)

and Barrel Festival was primed from “ Fergus the bull “ that I carved and is revisited with a fire sculpture every year.



Artists envision something then make it , it dose not take an artist to see what is happening to Dardanup and the Ferguson valley and it is on the State Government and it's officials. This artist envisions a sad outcome here.

Russell Sheridan

(Appendix ORD: 12.2.3D)

Submission to the Shire of Dardanup

Cleanaway Landfill Development Application September 2021

Lot Two

Banksia Road

Dardanup.

OBJECTION.

This Development Application (DA) should be rejected for the following reasons.

1. Page 6. Section 2.1 The statement that similar waste disposal and processing occurs at the Depiazzi depot is a disingenuous comment. The Depiazzi site does not manage landfill. This DA is about landfill. The processing of compost, mulches and then its removal for sale is quite dissimilar to landfill. The compost, mulch etc must also have been tested and made to comply with Australian Standards before any sale. The material that is dumped into landfill does not go through any such evaluation. Without accuracy of claim the DA should be rejected.
2. Page 7. Section 2.3 The DA states that the current licence will expire in 2035. In 1999 the then approval of the landfill site was to expire in 2009. That was overruled at State Government level in around 2005/2006. The successive licence approvals and over ridings represent incremental creep in decision making. What confidence can the community have in the statement that the licence will expire in 2035? A lack of confidence in the DA should lead to rejection.
3. Page 8 Section 3.1.3. The statement that the proposed cells have been designed in accordance with the EPA Victoria BPEM guidelines is incorrect. See extract from the Victorian EPA landfill buffer guidelines, page 6;
3.1. Default buffer distances Table 2 below summarises the default buffer requirements in the Landfill BPEM for different types of landfills. The default distances are the same for both operating and closed landfills, although the buffer for operating landfills is to manage the risk of landfill gas and amenity impacts, while the buffer for closed landfills is to manage the risk of landfill gas impacts only. It typically takes at least 30 years for a closed landfill to stabilise to the point where the potential for harmful landfill gas migration ceases. Note that landfills accepting Category C Prescribed Industrial Waste (PIW) are not within the scope of this guideline. It is recommended that the planning authority refer the application to EPA for site specific advice given the variable gas generation risk of PIW. Table 2: Landfill buffer distances Landfill type Distance from buildings and structures Landfill accepting municipal (putrescible) waste 500 metres Landfill accepting solid inert waste 200 metres

(Appendix ORD: 12.2.3D)

The various drawings **Appendix B** do not show anything like a 500metre buffer zone and from any sensitive land use. The Dardanup Conservation Park is a sensitive land use. Therefore, the DA does not comply with the EPA Vic landfill Buffer guidelines and should be rejected.

4. Page 9 section 3.1.3. Cell 9. Cleanaway have been to the Shire of Dardanup Council a number of times regarding the development of a Master Plan for Lot 2. The Shire has drawn up a Master Plan that included a maximum height of 114AHD. This DA refers to a maximum cell height of 149AHD and a finished height of 151AHD. After considerable consultation back and forth between the Shire, Cleanaway and the community the DA has returned with the 149 and 151AHD heights. This directly contradicts the position the Shire has clearly put to Cleanaway which should lead to a rejection of the DA. The same applies to cell 10 and 12A. This application does not conform to the approved LD and should be rejected.
5. Page 11. Waste lift section plan. Cleanaway have been to the Shire of Dardanup Council a number of times regarding the development of a Master Plan for Lot 2. The Shire has drawn up a Master Plan that included a maximum height of 114AHD. This DA refers to a maximum cell height of 149AHD and a finished height of 151AHD. After considerable consultation back and forth between the Shire, Cleanaway and the community the DA has returned with the 149 and 151AHD heights. This directly contradicts the position the Shire has clearly put to Cleanaway which should lead to a rejection of the DA.
6. Page 14 section 3.2.5 Dust management. The Dust Management Plan is not effective. On Tuesday 7th September at roughly 2.00pm a report was made to Pollution watch about a large plume of dust heading eastward from Lot 2. Whilst Cleanaway do have a Dust management Plan it is clearly not being implemented. If Cleanaway are incapable of implementing the DMP as has been reported to Pollution Watch the DA should be rejected.
7. Page 14 section 3.2.7 Noise. The DA states that there is no proposal to increase noise. It most likely however that as the current cells are behind and below the western bund therefore out of sight. That suggests that the noise generated by the machinery is deadened by being out of sight. The work on Cell 12A will be above existing cells and in direct sight. Therefore, the noise profiles will be different and cannot be assumed to be similar to current levels. Failing to take into account the differing working areas and subsequent noise generation suggests that this DA is incomplete and therefore should be rejected.
8. Page 15. Section 3.2.8 Litter. The Appendix referred to relates to Odour. This is a poor quality submission. A poor-quality DA application attracts little credibility and should not be approved.
9. Page 17 section 4.4. Local Development Plan. According to confirmed Council minutes the DA states that a Local Development plan was endorsed 26 May 2021. The DA neglects to inform readers that at the same meeting Cleanaway had submitted a Master Plan that was NOT endorsed. That Master Plan included heights of up to 149AHD. The Cleanaway Master Plan included reference to satisfying conditions that were attached to the original 1999 State Government application approval. The applicant was in May 2021 yet to comply with those conditions, from 1999 to 2021 is a considerable length of non-compliance. Officer comment

(Appendix ORD: 12.2.3D)

in the agenda item for the consideration of the Shire LPD contains the following sentence, “The site is already a prominent feature on the landscape which is visible from the much wider region including Bunbury therefore the height of 114m AHD is considered appropriate.’ As the LPD was approved by Council 6:0, it follows that Council intends that the 114AHD be adhered to. Undertaking a ‘Landscape and Visual Assessment’ appears to mean that the applicant does not intend to abide by the approved LDP. Failure to abide by the LDP should render this DA unsupportable.

10. Page 17 Section 4.5 Visual Amenity. The visual assessment was done based on the vegetation as per the Landscaping Plan at Appendix H. This document does not specify which species are to be planted. A supplied a list from which plants may be selected suggests a lack of rigour. The list appears to be an off the shelf list suitable for the region. This particular DA will require specific species that will flourish in no more than 2m of soil and in most cases on a sloping wind-swept surface. Surface rooted species like the local marri will not survive in those conditions. It is interesting to note that the marri species is listed as *Eucalyptus calophylla* when up to date botanists use the more accurate scientific descriptor of *Corymbia calophylla*. More attention needs to be paid to species selection. The landscaping appendix suggests that there will be no bare patches greater than 4m². The current plantings on the southern boundary bund which is a phytocap trial contains many bare patches greater than 4m².



Images 1 & 2. Southern boundary bund, September 2021.

Current rehabilitation management falls short of that alluded to in the DA. Therefore, there can be no confidence that this DA should be approved.

11. Page 17 Section 4.5 Visual Amenity. EPCAD document. This appendix document suggests that there will be upon an incremental approach to amelioration of the visual impact. Image 3 below demonstrates that Cleanaway have little expertise in incrementally ameliorating any visual impact. This document appears to overlook the visual impact that the bright clay bund will make during the construction and operational phases that are proposed. Visual amenity should not just be considered from just the long term final scene some decades of year to come, but from the short, medium and long terms!
It also continues to refer to the height of 149AHD which as has been explained earlier does not conform to the LDP already approved by the Council.
The document also claims that remnant vegetation to the east end of Lot 2 will be cleared. This a departure from the DA which clearly state that no native vegetation is to be cleared under this proposal. The clearing of that remnant vegetation will need to be approached through the usual clearance approval process. To support this DA which includes this

(Appendix ORD: 12.2.3D)

appendix would give some credibility to any future application to clear that remnant vegetation. Given that, this DA must not be approved.

The suggestion that the final height of 149 plus capping will form a slightly higher skyline from some views is no doubt true. From other views that assertion can be readily contested. An increase approaching 40metres will see an unnatural mound rise as is depicted in proposed final elevations at Locations 11, 12, 14, 15, 16, 17, 18 and 20. The contention that the views from Crooked Brook, Ferguson, Waterloo and Boyanup Picton Roads are extremely limited is a subjective analysis and one that does not match local perceptions. The statement that “Current works visually, have a minimal visual impact on the interface with the adjacent Conservation Park” are simply incorrect. There is considerable difference between the natural occurring jarrah-marri woodland and the bright clay bund face that is visible when the sun is out.



Image 3. View from Crooked Brook Road. 2021

The suggestion that “In the long term the proposed top of cell height, 149 AHD (including capping)” does not align with all other comments about height. It is repeatedly written that cell height of 149 AHD will be capped with an extra 2m making the final proposed height 151AHD. The sentence continues stating that “149 AHD (including capping) will form a slightly higher skyline from some views”. No doubt that is true from some views. From other views however the proposed final height and landform will be quite different from the surrounding landscape. The final proposed topography will be very different from and therefore inconsistent with anything nearby.

The final sentence on this section (4.5, page 18) that “concludes that the filling and completion of the wastes cells will have limited and manageable impacts” does not reflect the numbers involved. According figure 3a, Overview of Contours the natural height at the base of the bund is around 100AHD. An increase to 115 AHD is the current level. Going on to 150AHD represents an increase of 233% on top of the existing unnatural land form. Figure 4a shows a long plateau running from Cells 3/4 to somewhere between proposed cells 13 and 14. A long plateau sticking out like a peninsular and higher than the edge of the scarp would be most unusual and cannot be described as contextual to the rural landscape. Location 20 photo clearly demonstrates the totally strange landform that is proposed! It looks like a long- distance image of Mount Augustus!

Drawings 3a, 3b, 4 and 4a all have been stamped as Master Plan drawings. This DA does not seek to be a Master Plan. It is a DA for three planned cells. It would be unwise to approve any drawing as appendices that are stamped as such.

It is interesting to note the difference in the panoramic effects used in the photographs in the appendix and those taken by locals. It could be suggested that neither the EPCAD document nor locals’ photos are impartial.

(Appendix ORD: 12.2.3D)

This DA should be rejected because the claims that the visual impact can be managed have no basis in fact. They are opinion. The DA should be rejected because the appendix in some cases refers to a Master Plan which it is not. The DA should be rejected because it has inconsistencies in final height e.g. "149 AHD (including capping)".

12. Page 18 Section 4.6 Planning in Bushfire prone areas.
Appendix I written by PPP refers to the removal of remnant vegetation on the eastern end of Lot 2. As stated earlier this is a concern. Clearing of the remnant vegetation will be a separate issue and should not be referred to in this DA. Page 19 of the Addendum 1 prepared by BPP includes the statements that "provided information is not sequential and preventive and response measures are mixed. Some hazards are not addressed or insufficiently addressed." This statement is repeated ten times on the same page. Page 21 of the Addendum 1 prepared by BPP includes the statements "historical events have occurred in similar landfill sites." This seems to ignore the fact that a number of fires have ignited in the landfill at this very site. If the author of the report is ignorant of this, what level of credibility can be given to their whole report. Overall, the works in these reports lacks reference to implementation of any developed programs, plans and strategies. The language is such that there is little compliance implied. The application should be rejected because the current bushfire plans and associated documents fall short of addressing compliance

13. Page 19 section 5. Conclusion. Whilst the applicant seeks approval It is recommended that this application be rejected for the following reasons;
 - a. the application and some associated documents are lacking in accuracy in claims,
 - b. the lack of confidence that the public can have in the Lot's licence tenure,
 - c. the lack of compliance with the Vic EPA BPEM guidelines,
 - d. the lack of compliance with the Shire of Dardanup approved Master Plan for Lot 2,
 - e. current failures to implement dust management,
 - f. failure to take into account the likely different noise impacts of cell 12a,
 - g. several inconsistencies throughout the application in heights,
 - h. abject failure to convince a reader that the proposed visual amenity is acceptable,
 - i. that Bushfire planning is inadequate
 - j. that there is reference throughout the various documents to plans beyond 9, 10 and 12a including removal of remnant vegetation and up to Cell 20 neither of which have been applied for and
 - k. that this application represents an approach to planning that is not proper and orderly. This is an appeal to extend the incremental creep that is associated with this site. Incremental creep is an anathema to proper and orderly planning.

Lorraine Shine

Concerned long term resident and rate payer.

Kessell Road, Crooked Brook, WA 6236

21st September, 2021

(Appendix ORD: 12.2.3D)

From: [Rod Slater](#)
To: [Submissions Planning](#)
Subject: It must be stopped
Date: Monday, 20 September 2021 8:04:26 AM

To whom it may concern,
Cleanaway's proposed expansion must be stopped! Any further expansion of the 'Dardanup Tip' should not be approved given the type of toxic waste they intend to deposit at the facility and the proximity to a growing residential area and pristine tourist area. The only reason this is even being considered is surely because of the distance the waste is being transported. Cleanaway should 'forced' to find a suitable waste disposal/storage facility remote from residential areas and not sitting on top of such a crucial water supply.

A very concerned human and rate payer

Rod Slater
11 Seaview Heights
Ferguson Valley

(Appendix ORD: 12.2.3D)

Please find below a submission on behalf of Richard and Frances Stacey 1037 Henty Rd HENTY WA 6236 regarding the proposed expansion of the existing Banksia Rd waste disposal site.

Our objection is based on the premise that the proposed expansion is based on incorrect weather data in terms of possible dust problems and that we doubt the operator can adequately manage the risks associated with fugitive dust and fire prevention/mitigation.

The original development was based on Engineering studies which considered the weather conditions at the site to be similar to that in Bunbury (Ref 1).

Subsequent measurements taken at DPIRD weather sites (Ref 2) in Henty (Dardanup 2) and Waterloo (Dardanup), and recent measurements collected to form part of a Dust Management Plan (Ref 1), confirm that the wind conditions at the site, particularly in the summer months, far exceed the conditions cited in the report as 'typical' conditions (Ref 1).

With the proposed increase in height of the site in combination with the fresh summer easterlies experienced overnight at the site render the assumptions regarding dust control as unreliable and unsafe. In our view, the summer wind speeds experienced at the site have the potential to create dust in quantities an order of magnitude above the estimates.

In view of this underestimation of the effect of local weather conditions we consider that the existing site represents an increasing hazard to the residents of the Dardanup townsite and surrounds. In view of the proximity of the site to the Dardanup townsite the Dardanup Shire needs to consider how this risk can be managed and consider an emergency management plan for Dardanup residents which ensures that residents, and students at our primary schools, are adequately protected against wind-borne dust, and in the case of fire at the site, against potentially toxic combustion products.

In view of the risks associated with the existing site in its current form we believe it unwise that further extension of the operation be considered. The operator has a poor track record in fire prevention and management at both the Banksia Rd site and its Metropolitan operations (Ref 3, 4, 5). This poor record in

(Appendix ORD: 12.2.3D)

combination with well documented instability within its senior management (Ref 6) indicates to us that the operator is failing to manage its own risks. As a result of this well documented chaos at management levels many investors have abandoned Cleanaway as a viable investment (we held shares in Cleanaway between 2019-20).

In conclusion, we do not support the expansion of the current site beyond the existing constraints and timelines.

1. Cleanaway Solid Waste Pty Ltd Dust Management Plan, Banksia Road Landfill Crooked Brook, WA 6236, 12 March 2021 58071/126,854 (Rev 4) JBS&G Australia Pty Ltd T/A Strategen-JBS&G
2. <https://weather.agric.wa.gov.au/>
3. <https://www.swtimes.com.au/news/south-western-times/hazardous-materials-warning-after-dardanup-cleanaway-blaze-ng-b881446390z>
4. <https://thewest.com.au/news/disaster-and-emergency/fire-at-at-cleanaway-waste-transfer-station-remains-controlled-but-fumes-remain-ng-b881855878z>
5. <https://thewest.com.au/news/disaster-and-emergency/fire-at-at-cleanaway-waste-transfer-station-remains-controlled-but-fumes-remain-ng-b881855878z>
6. Australian Financial Review
<https://www.afr.com/companies/manufacturing/punting-men-behaving-badly-cleanaway-s-board-struggle-20201015-p565cr>

(Appendix ORD: 12.2.3D)

From: [terryrance56](#)
To: [Submissions Planning](#)
Subject: application for extra waste cells at banksia rd tip sites
Date: Monday, 23 August 2021 5:06:56 PM

Dear sir ,I wish to voice my disapproval of the extension of any part of the waste site ,we moved down to Dardanup from Perth two years ago and the appeal to move here was the beautiful country side ,over the time here we have seen a huge stain grow in this once pristine area called the banksia rd tip site ,our friends come to visit and ask how can the council allow such destruction of a beautiful area we have a reputation as the dumping ground of the south west .Please don't approve this appeal and save the destruction of a beautiful area and tourist destination Regards Terry Rance

Sent from my Galaxy

(Appendix ORD: 12.2.3D)

From: [Flora Toft](#)
To: [Submissions Planning](#)
Subject: Fwd: Dardanup Tip Site Cleanaway Expansion
Date: Monday, 20 September 2021 6:22:24 AM

To the Dardanup Shire Council

We would like to register our strong opposition to the proposed Cleanaway tip expansion. This ongoing calamity is a threat to our unique and beautiful environment as it currently stands. To expand the current guidelines is creating an even greater risk to the health and wellbeing of our family as local residents and of our community at large.

Watching this elected council approve such an environmentally irresponsible plan of action with regards to the Cleanaway tip use from the outset has destroyed our confidence and trust in your duty of care and responsibility towards the local community. Further approvals confirm a complete disregard for indisputable community opinion against this endeavour.

Further concerns are the potential water table issues. The environmental list of concerns goes on and has been presented to council in many ways. Sadly on deaf ears.

Please consider the health and wellbeing of this precious corner of our state and rescind past and deny further permissions to Cleanaway to destroy our air, soil and water quality. All of these are crucial considerations to a healthy way of life.

Please pause to ask yourselves what kind of community you would like your grandchildren to live in, before you make your decisions. Then listen to your honest answer.

Sincerely
Flora and Malcolm Toft

(Appendix ORD: 12.2.3D)

From: [Joan Tootill](#)
To: [Submissions Planning](#)
Subject: Banksia Rd Waste Disposal site.
Date: Wednesday, 22 September 2021 11:10:58 AM

Submission from Graham and Joan Tootill, 58 Hayward St, Dardanup,
Relating to the expansion of the above site.

We oppose any expansion of Banksia Rd, Waste Disposal site.

- 1.. The waste disposal site is only 3 kilometres from the Dardanup town site which has 2 Primary schools.
- 2.. Contamination of our water is a worry,
- 3.. Dust and odours blown in by prevailing S/E wind, which frequent us, will likely to be exaggerated by the height of the expansion.
- 4.. Fire control for such a huge site so close to our town , is it a problem?

Dardanup is in a precarious position if the proposed expansion goes ahead.

(Appendix ORD: 12.2.3D)

Wellington Mill Community Association Inc
C/- PO Box 9267,
Picton, WA. 6326

Shire of Dardanup
1 Council Drive
Eaton WA.

Attention: Councillors and Decision Makers

Dear Sirs/Madams,

I write to you in my capacity as Chairman of the Wellington Mills Community Association Inc, which represents residents of our district. Our Committee unanimously opposes the expansion of the Landfill Site at Banksia Rd.

Whilst we are not experts in the technical aspects of safe waste disposal, the current and possible impacts on our environment are obvious.

Along with the uncertainty of the environmental and health and safety risks posed by this site, the visual impact on the landscape, adjacent to the entry of the Ferguson Valley Tourist precinct is disgraceful.

Cleanaway has a poor track record in containing contamination from this and its other sites. The lack of independent monitoring allows the opportunity for manipulation of their reporting. At recent Community Forums conducted by Cleanaway, their Management refused to answer important questions posed by community. Ask yourselves, why would Cleanaway not answer questions relating to environmental impacts.

We understand that Cleanaway's application to expand this site draws a comparison to the site nearby, operated by Depiazzi. The operations of these two facilities could not be more different. This is a perfect example of the deception that Cleanaway practices to influence the decision makers at the Shire of Dardanup.

Again, ask yourselves what is really being dumped at this site. Can you trust that Cleanaway have the health, safety and financial security of the Ferguson Valley and Dardanup Community at the forefront of their mind? More likely that it is the financial benefit for its non-Australian share holders. Profit "today" at any cost seems to be the way many large organisations operate these days.

It is shameful that a landfill site of this magnitude exists in our Shire district, and it is a blight on the decision makers involved in its inception. Now is the time to not only reject Cleanaway's expansion application but take measures to close down this site and open a new facility in a more suitable remote location, away from the populated area. It's time to open discussions with the State Government to find an alternative solution.

(Appendix ORD: 12.2.3D)

I'm not sure how much, if anything, our Shire earns from having the largest landfill site in Western Australia operate in its jurisdiction, but it would pail into insignificance in future years as has happened to the Shire of Busselton with the failure of its landfill site. I'm sure they never thought that would happen.

As community representatives, allowing the largest toxic landfill site in Western Australia to operate in our community is not the legacy that we want to leave for our children and their children and their children, nor should it be yours.

The health and safety of future generations is in your hands, so now is the time to err on the side of caution and exert your influence to protect the future of this community.

Yours sincerely,



Ian Bridge
Chairman WMCA

22/09/2021

(Appendix ORD: 12.2.3D)

From: [Kim Wesley](#)
To: [Submissions Planning](#)
Subject: Kim and Simon Wesley - Submission re: Planning Application for Landfill at Banksia Rd
Date: Tuesday, 21 September 2021 2:57:27 PM

To Whom it May Concern

It is with horror that we see the recent JDAP application from Cleanaway and the resultant consultant report concerning the Banksia Road landfill site.

It is appalling that a company such as this can dispute the decisions and ruling of the Shire of Dardanup when the business brings nothing but danger, severe environmental impacts and disregard - not to mention the health affects to a local community and many others around.....and the affect on water quality and bush reserves surrounding the site and so many other facilities within the town - schools, shops, farm land, waterways etc.

1). The main concern for us is the effect on tourism due to the major visual impact on the landscape (ie blot on the landscape) and continual trucks on the roadways. This site is already used as a marker from the Indian Ocean so the application to grown in size by a good 36metres is proposterous.

The consultant report states minimal visual impact from what it is now! **We know that this is not true.** It will be seen from many tourism vista points around the prestigious and well known tourist destination - Ferguson Valley - which are the vistas that tourist stop and admire on their way through and to and from the Valley.

This site is a disgrace to any government body that has allowed it to happen. The EPA Act was revised in 1986. This is so out of date that is deemed to be useless in

(Appendix ORD: 12.2.3D)

today's world.

The site location is totally inappropriate especially as the companies growth has been insidious and far reaching!

2). Another main concern is the impact on health of a local community and of the many many communities close. Dust, noise and litter is the result - spreading all around. Dust is a major issue. The smell too is horrible. The water supply is at risk at any moment. **When one of the many breaches of conditions that occur on this site affects the local water supply the whole of WA will be affected. It goes on and on.**

3) Another concern is the volume of trucks thundering down our local roads and byways to dump at this site. These trucks are nasty and full of waste content that is nothing but environmentally unsafe for this area.

There are at least 130 trucks heading to this area every day - from near and far. What is in these trucks? No-one has anyway of knowing!

There needs to be random inspections of each and every truck heading that way.

4). We have major concerns too about the age of the site. There are cells there that are old and the company are asking for a longer term. The facility is old now and deteriorating. It is leaching leachate out to the surrounding areas. The site is messy in itself and they have no regard to the local environment.

5). This area is a community small population with much general farming. This site is TOXIC!!!!!! It is located at the foot of the Darling Scarp on top of many connecting water ways. The history of the area shows a small town. This monstrous company has now created a landfill site almost as big as the town. It is another Wittenoom. Toxic, toxic toxic. Not just in the content

(Appendix ORD: 12.2.3D)

therein but the company ethic too.

6). The Cleanaway consultant report supposedly supporting their JDAP has so many indiscrepancies and untruths not to mention all the supposed facts to be so nonfactual that it's a joke!!!! To say that the height increase has little impact on the site is just ludicrous. The whole report is rubbish (pardon and pun) and unfounded.

7). Cleanaway, over many years, have shown a total disregard for any conditions imposed on it by either DWER or the Shire of Dardanup – and it continues to do so. This company is a growing and invasive cancer within our community

We ask you to consider all our concerns and show that we are totally opposed and so against any increase of any sort at any time from this site and Company.

Please consider total objection to the JDAP application.

Kim and Simon Wesley

<http://peppermintlanelodge.com.au>

M: 0447266885

(Appendix ORD: 12.2.3D)

From: [Andrew White](#)
To: [Submissions Planning](#)
Subject: Development Application lodged by Cleanaway Solid Waste Pty Ltd on 03 August 2021
Date: Friday, 3 September 2021 3:26:34 PM
Attachments: [pastedImage.png](#)

I strongly object to the Development Application lodged by Cleanaway Solid Waste Pty Ltd on 03 August 2021.

2.1 Site Location

"Similar waste disposal and processing occurs at the Depiazzi Depot, approximately 1.9km north of the subject site. Lot 4580 Panizza Road is located approximately 600m north and is also approved for waste disposal and processing to occur. Therefore, the existing waste disposal operations within Lot 2 are appropriately located within the surrounding local context. "

- The comparison to Depiazzi Depot is technically correct but manifestly inappropriate.
- Depiazzi recycles waste into useable product and then sells it. The Depiazzi site is entirely transactional.
- The Cleanaway site is a mountain of waste continuing to grow seemingly unabated that will be present for centuries. It will never go.
- Just as our current generations abhor the tanks, fences, asbestos, bottles, and other junk dumped in our creeks and forests, future generations will despise the people who let this happen.

3.2 Environmental Management Strategies

- Most recently, on 02 November 2020, Cleanaway was convicted of breaching the Environmental Protection Act 1986 in Bunbury Magistrates Court on 2 November.
 - Commenting on the conviction, DWER Executive Director for Compliance and Enforcement Stuart Cowie said
 - *"This sentence sends an important message to waste management businesses that breaches of Western Australia's environmental laws will not be tolerated. It is also an important reminder to licensees to ensure that they comply with the requirements of their environmental licences."*
- Cleanaway has a demonstrated history of its scant regard for the laws of Western Australia and the laws of the Shire of Dardanup and with Cleanaway being a \$5.5 Billion dollar company, the level of fines imposed for non-compliance is insignificant.
 - Until fines are of the magnitude necessary for Cleanaway to review its approach to compliance, they are unlikely to change until their business model is impacted.
 - The Shire does not have such power to issue fines that will make an impact but it does have opportunity to reject this application ensure another reminder is sent to Cleanaway.

(Appendix ORD: 12.2.3D)

3.2.7 Noise

"Noise generation is not proposed to increase as a result of this proposal."

- The noise is currently affecting my right to enjoy the peaceful use of my property".
 - I am often woken at 6am by the noise coming from the Cleanaway site.
 - I work outside to the noise of track machines and motors of heavy machinery operating
 - I am located 5km from the site
- More than just no increasing the noise, at the very least, the noise needs to be reduced.

3.2.8 Litter

".....and no increase in overall litter emissions generation will occur."

- This is another attempted misdirection.
- There is currently a considerable amount of litter liberated from the Cleanaway site into the Dardanup Conservation Park.

4.5 Visual Amenity

"Existing works at the subject site are discrete. The surrounding vegetation and landforms combine to restrict views. These works do not currently adversely impact the broader landscape character. "

- What an extraordinary statement!
- The "works" may refer to the machinery in operation but the result is an ever increasing blight on the landscape.
- This statement is absolutely incorrect and indicative of the veil of misdirection employed by Cleanaway.
- The conclusion states: *"The EPCAD report therefore concludes that the filling and completion of the waste cells will have limited and manageable impacts on the visual amenity of the public realm around the waste disposal site."*
- If this statement was to be believed, which it is not, :
 - the re-vegetation will not commence until the waste dump is complete, in 2035
 - trees, which are proposed to be seated in no 2 metres of topsoil will take another 10 years to grow to a height that will begin to screen the site
 - wind, which is at its strongest pressure at the top of the hill, will blow over trees with any substantial foliage.
- It is fanciful at best, to suggest this conclusion.

As a ratepayer, resident of Crooked Brook, and regular user of the area surrounding the site of the Application, not only do I request the Application be rejected, I demand that the

(Appendix ORD: 12.2.3D)

Application be rejected.

Furthermore, I request that Council vigorously lobby the State Administrative Tribunal and the State Government, to put an end to ever growing the pile of rubbish being dumped in our back yard.

Our area is a well-known tourist attraction, generally referred to as "Ferguson Valley" with wineries, breweries Crooked Brook Forest and Gnomesville to name just a few of the attractions of the area. How would the Margaret River region or City of Perth react to a waste dump being located at their entrance?

In the longer term, initiatives such as Containers For Change, bans on single use plastics and taxes on single use nappies may help reduce the volume of waste needing to be dealt with but at this point, the only solution I can see to putting a stop to this eyesore growing another 30 metres in height, is to identify an alternative site. In the meantime, please reject this Development Application.

Regards

Andrew White
Five Mile Farmers
828 Crooked Brook Rd, Crooked Brook
e: andrew.white@vix13.com
p: +61 488 333 110
timezone: UTC+8

(Appendix ORD: 12.2.3D)

Andre' Shonfeld
Chief Executive Officer
Shire of Dardanup
PO Box 7016
EATON WA 6232

Dear Andre'

We would like to object to the Cleanaway DAP Application for the following reasons:

1. Visual effects

The proposed development is very large, is very close to and will be visible from and the Dardanup township and rural and lifestyle properties in Dardanup, Crooked Brook, Ferguson Valley and Henty. This is not the look we want for our beautiful Ferguson Valley area.

2. Conflict of Land Use

The Shire's Land Use Strategy encourages the use of good agricultural land by economically active farmers so as to maximise the productivity of the Shire. In this regard the Dardanup Shire would surely want to provide for a long term increase in settlement areas which provide a range of lifestyles within the context of the settlement strategy rather than discourage settlement in the area due to favouring one highly undesirable industry (Dumping Landfill).

We are concerned that the development reduces the amenity of farmland in that farmers and lifestyle property owners are unable to use parts of their property at certain times due to contamination from flies, odours, traffic congestion, dust, noise and vibrations. Livestock in particular will often become stressed by excess noise, unfamiliar visual stimuli, flies and vibrations.

We are also concerned that the proposed development may de-value our property as a result of the perceived impact of there being a huge waste dump on the fringes of the Ferguson Valley. Prospective buyers who seek a quiet rural retreat or to use their property in an agricultural manner will find their requirements are not met when they become aware that there is to be a very large landfill facility within close vicinity to their property.

Our quiet enjoyment of the Ferguson Valley is already compromised as we have to negotiate convoys of monster trucks bringing rubbish from all over the state in order to dump it into the current oversized landfill facility.

Comments

Clearly a large landfill facility of this design is a bad match for the Dardanup Shire and particularly the Ferguson Valley. The current landfill facility should be dramatically downsized and be used by only local rate payers. A large landfill facility of this design should be located in the Kemerton Industrial Area, Wellesley WA only. This is a big country there are dozens of more appropriate locations for a landfill facility such as this.

Thank you for considering our comments

Kind regards

Cathy Wood & Tony Roelofsen Mob 0408 910 459 (Cathy)

24 The Dress Circle HENTY WA 6236

(Appendix ORD: 12.2.3D)

From: [Rhys Yuill](#)
To: [Submissions Planning](#)
Subject: Opposition to DA Report 22321
Date: Thursday, 23 September 2021 7:47:45 AM
Attachments: [20210909_143852.jpg](#)

CAUTION: This email originated from outside the Shire of Dardanup.
Do NOT click links or open attachments unless you recognize the sender and know the content is safe. Do NOT enter any username or passwords and report any suspicious content.

To whom it may concern,

This is an email to the dardanup council to detail our **absolute opposition** to the expansion plans put forward by 'Cleanaway' (Banksia road development plan as detailed in Report 22321).

We farm in Crooked Brook, about 2.5km as the crow flies from the waste management site. We are a progressive farming business producing fodder for perth markets and paddocking livestock. We are already threatened by the potential damage the landfill site could cause to our business. If it expands we fear that the Environmental cost could be irreversible and devastating. Not only that living here would be unbearable due to the scar that is left by the sight and smell created by this site. As a result, land that we have invested in for the long term will be worthless and unproductive.

We strongly oppose Cleanaways expansion plans for the following reasons.

Landfill Height

The planned expansion will allow 'Cleanaway' to increase the landfill height 50% taller than what it is today. I have attached a photo from our kitchen window. We have the unwanted pleasure of looking at this mess everyday. It is a constant reminder of the environmental damage that this company is causing to our area.

As you can clearly see in the picture provided the site is currently level with the existing scarp and can be seen clearly. If it grows the surrounding properties would be severely depreciated as it will be a massive eyesore on the edge of the scarp.

Environmental Damage

The environmental damage caused by the landfill site is not being well addressed. It is an issue that is being glossed over well in the submission. Whilst the company may be 'doing all it can' there is no mention of a guarantee that the surrounding environment won't be affected.

The big concern is the location of the landfill site. The consequences are massive if the cells that are currently there break and leach. The site is on a fault line at the edge of a catchment area for two major aquifers (yarragadee and the leederville).

We currently draw water from the leederville aquifer for our farming business. If this is polluted our investment into this area is depreciated significantly. Dardanup town will also have a potential dilemma with polluted water.

If this site was to expand the risk would become substantially higher that environmental damage could occur.

Our farming operations would be severely affected and force us to either shut down or move to another Shire.

Smell

(Appendix ORD: 12.2.3D)

In the event of an easterly wind, (monthly in winter and weekly in summer), we can clearly smell the horrific odor that comes from the tip. An expansion would make this worse and encourage us and a lot of locals to leave the area. There is no way possible to deal with the smell.

Increased Traffic

The traffic in our small town is becoming unbearable and dangerous. It is only a matter of time before a potential accident eventuates. A lot of people enjoy rides through the town on bikes and the danger posed to children who reside here is not something residents should be subjected to.

Tourist Potential

Due to the fantastic work of the local community 'gnomesville' is one of the highest priorities for tourists to visit. This should be a magnet to encourage people to enjoy other tourist related businesses in the valley. The town does not need a smelly eyesore at the entrance to the valley.





Your ref: DAP-F0211219
Our ref: 47523 2019/000800
Enquiries: Tracy Teede
Phone: 9725 4300
Email: swlanduseplanning@dbca.wa.gov.au

Chief Executive Officer
Shire of Dardanup
PO Box 7016
EATON WA 6232

Attention: Cecilia Muller

**CLEANAWAY WASTE FACILITY – NEW WASTE CELLS 9, 10 & 12A –
LOT 2 BANKSIA ROAD CROOKED BROOK**

I refer to your letter dated 20 August 2021 seeking the Department of Biodiversity, Conservation and Attractions' (DBCA) Parks and Wildlife Service's comments on a development application for the above property.

Parks and Wildlife Service's South West Region provides the following advice.

Advice to Shire

Lot 2 is subject to an endorsed Local Development Plan (Taylor, Burrell Barnett, 11 June 2021, Plan 21/014/002G) (LDP).

DBCA notes the proposed new waste cells are located within existing clearing areas.

DBCA has no comments on the proposal, provided the proposed development complies with the endorsed LDP, and associated landscaping, fencing and environmental management provisions.

It is considered that the proposal and any potential environmental impacts will be appropriately addressed through the existing planning framework.

Thank you for the opportunity to comment on this application. Please contact Tracy Teede at the Parks and Wildlife Service South West Region office on 9725 4300 if you have any queries regarding this advice.

Yours sincerely

Aminya Ennis
Acting Regional Manager
Parks and Wildlife Service

4 October 2021



(Appendix ORD: 12.2.3E)



Our Ref: D17721
Your Ref: DAP-F0211219

Cecilia Muller
Shire of Dardanup
submissions@dardanup.wa.gov.au

Dear Ms Muller

RE: HIGH RISK LAND USE – PROPOSED WASTE CELLS 9, 10 AND 12A - CLEANAWAY LANDFILL FACILITY - LOT 2 BANKSIA ROAD, CROOKED BROOK – DEVELOPMENT ASSESSMENT PANEL APPLICATION

I refer to your email dated 2 September 2021 regarding the submission of a Bushfire Management Plan (BMP) (Version 1.0), prepared by Bushfire Prone Planning and dated 12 July 2021, for the above development application.

This advice relates only to *State Planning Policy 3.7: Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines). It is the responsibility of the proponent to ensure the proposal complies with relevant planning policies and building regulations where necessary. This advice does not exempt the proponent from obtaining approvals applicable to the proposal including planning, building, health or any other approvals required by a relevant authority under written laws.

Assessment

- DFES acknowledge that the site currently operates as a Landfill Facility and that the development application seeks to construct an additional three landfill cells, identified as cells 9, 10 and 12A.
- DFES notes the workshop sheds and administration block identified in the BMP (figure 1.2) does not form part of the proposal and has not been assessed.
- As the decision maker has confirmed this to be intensification of development the application of SPP 3.7 is triggered.
- It is critical the BMP and an Emergency Management Plan (EEP) address any non-compliance for the existing development.
- Further clarification is required within the BMP of the requirements of SPP 3.7 and the supporting Guidelines as outlined in our assessment below.

(Appendix ORD: 12.2.3E)

1. Policy Measure 6.5 a) (ii) Preparation of a BAL contour map

Issue	Assessment	Action
Vegetation classification map	The vegetation classification map within the BMP (Figure 3.1) contains unlabelled vegetation areas (areas 3, 10 and 11). The vegetation map should be updated to ensure all vegetation areas are clearly identified, consistent with Appendix 3 of the Guidelines, to ensure the BAL ratings can be validated.	Modification to the BMP is required.
Vegetation classification	Evidence to support the exclusion vegetation located north of the subject site (Photo ID26) as managed to low threat in accordance with AS3959 is required. In addition, the BMP has excluded vegetation located south of the Administration Block that appears contiguous with Class A Forest area 1. An enforceable mechanism is required to provide certainty that the proposed vegetation exclusions can be achieved in perpetuity and it is enforceable. If unsubstantiated, the vegetation classification should be revised to consider the vegetation as per AS3959:2018, or the resultant BAL ratings may be inaccurate.	Modification to the BMP is required.
Vegetation classification	Vegetation area 10 cannot be substantiated as Class B Woodland with the limited information and photographic evidence available. The crown canopy cover appears to exceed 30%. The BMP should detail specifically how the Class B Woodland classification was derived as opposed to Class A Forest. If unsubstantiated, the vegetation classification should be revised to consider the vegetation as per AS3959:2018, or the resultant BAL ratings may be inaccurate.	Modification to the BMP is required.
Asset Protection Zone (APZ)	Proposed Cell 12A is located adjacent to areas of classified vegetation. The BMP refers to the establishment and maintenance of APZ to achieve development within BAL29 or below. DFES notes page 33 of the BMP provides the required separation distances to achieve the APZ's. However, the BMP has not spatially represented proposed APZ's to validate that develop can occur within areas of BAL29 or below.	Modification to the BMP is required.
BAL contour map	Table 3.3 and APZ information (page 33) of the BMP includes inputs inconsistent with AS3959:2018, associated with Vegetation Area 9. Therefore, the BAL contour map and proposed APZ's cannot be validated.	Modification to the BMP is required.

(Appendix ORD: 12.2.3E)

Method 2	<p>Method 2 – not supported</p> <p>The BMP has included, in Appendix 4, Method 2 calculations to determine 2 kw/m² and 10 kw/m² separation distances. These separation distances are subsequently reflected in Figure 1 of the BEEP.</p> <p>The BMP has not included method 2 calculations for 2 kw/m² and 10 kw/m² vegetation areas 8, 9, 10 & 11. These calculations need to be included in Appendix 4 of the BMP.</p> <p>In addition, as discussed above, the BMP has excluded vegetation located south of the Administration Block that appears contiguous with Class A Forest area 1.</p>	Modification to the BMP is required.
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2. Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria

Element	Assessment	Action
Location, and Siting & Design	<p>A1.1 & A2.1 – not demonstrated</p> <p>The BAL ratings cannot be validated for the reason(s) outlined in the above table.</p>	Modification to the BMP is required.
Water	<p>A4.2 –not demonstrated</p> <p>To comply with Element 4, the BMP proposes the use of two stormwater ponds, and two 15,000 litre water carts. Therefore, the BMP has not demonstrated compliance with Element 4 as the ponds are not a dedicated static water supply for firefighting purposes.</p> <p>However, should the decision maker be satisfied compliance with Element 4 can be achieved, DFES recommends the following:</p> <ul style="list-style-type: none"> • Technical requirements associated with the proposed water supply (e.g. pond fill points) are detailed for compliance within the BMP including A4.2 hardstand/turn-around areas. • Table 6.1, item 4 of the BMP should be updated to specify compliance associated with maintaining the supply volumes. • Reference to the FES Commissioner’s ‘Operational Requirements Guidelines’ (in particular ORG 04 and GL-06) specific to water quality should be given due consideration (refer to attached). • DFES recommends that the local government chief bushfire control officer should be consulted regarding the volume of dedicated water supply that is required for fighting fires in area, and the BMP updated accordingly. 	The decision maker to be satisfied that compliance with Element 4 can be achieved.

(Appendix ORD: 12.2.3E)

3. Policy Measure 6.6.1 Vulnerable or High Risk Land Uses

Issue	Assessment	Action
Emergency Evacuation Plan and/or Risk Management Plan	<p>The referral has included an Emergency Evacuation Plan and a Risk Management Plan for the purposes of addressing the policy requirements. DFES has reviewed the BEEP and provides the following comments:</p> <ul style="list-style-type: none">• The BEEP contains multiple 'primary' procedures. DFES recommends a single 'primary action' is consistently referenced throughout the document.• The BEEP contains calculations for 2 kw/m² and 10 kw/m² which have not been validated as outlined in the table above.• The document requires amendment to represent the revised symbology, terminology and colours for the new Australian Warning System.	Comment only.

Recommendation – not supported modifications required

It is critical that the bushfire management measures within the BMP are refined, to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire. The proposed development is not supported for the following reasons:

1. The development design has not demonstrated compliance to –
Element 1: Location,
Element 2: Siting and Design, and
Element 4: Water.

As this planning decision is to be made by a Development Assessment Panel please forward notification of the decision to DFES for our records.

If you require further information, please contact me on telephone number 9395 9713.

Yours sincerely



Craig Scott
A/DIRECTOR LAND USE PLANNING

1 October 2021

CC Cecilia.Muller@dardanup.wa.gov.au



Fire and Emergency Services (FES) Commissioner's
Operational Requirement Guideline (ORG)

Issued: April 2020

Authorised: Superintendent Built Environment Branch

ORG 4: Water Supply and Access

1. Intent

A sustained and suitable (quantity, flows and pressure) water supply for hydrants and sprinklers is critical for ensuring successful firefighting operations.

2. Operational Requirement

The FES Commissioner requires the following:

- i. a four hour hydrant supply and one hour sprinkler supply should be provided except where concessions exist in the National Construction Code (NCC),
- ii. unimpeded safe access to the water supply must be provided,
- iii. as a minimum all parts of the building should be covered by a firefighting hose in accordance with Australian Standard (AS) 2419.1,
- iv. if sprinklers are required they must provide coverage to the entire building,
- v. the flow requirements in the AS 2419.1 should be considered the minimum requirements – at times more may be requested based on the hazard presented or the DFES firefighting resources and equipment available.
- vi. All fire engineered solutions proposing alterations in water flow must provide quantitative analysis and the solution be agreed as acceptable by DFES Built Environment Branch before proceeding,
- vii. at the time that firefighters first apply water to the fire, the maximum radiation flux at 1.5 m above the floor is no greater than 4.5 kW/m² and the smoke layer is not less than 2 m above the floor.

Consultation with the DFES Built Environment Branch is required for any deviations from the points above or if clarification is required.

3. Reason

Without water firefighters cannot extinguish a fire and they may not be able to enter a building without the protection of a hose with a suitable supply (quantity, flows and pressure). Lives may be lost and damage to property and the environment increased.

A lack of water will effect fire suppression in a building and a fire can quickly grow to a size where the ability of firefighters to conduct internal search and rescue activities and to locate and suppress the fire will be hampered by the effects of severe radiated heat and visual obstruction due to smoke.

Without a suitable water supply, particularly with large buildings, a fire emergency may unnecessarily become a protracted incident, involving substantial firefighting resources and affect many surrounding businesses, residents and the environment. When resources are not immediately available due to the distance between fire stations and/or when crews are committed to other emergencies, the effect may be even greater.

4. Risk Management

DFES defines risk as: *'The threat that an event or activity adversely affects our ability to achieve business and operational objectives or the failure to exploit opportunities to maximise stakeholder value.'*

In the event of a building fire, there is an extreme risk that the provision of an unsuitable water supply will:

- i. allow unnecessary spread of fire through additional fire compartments of a building and to adjacent exposures,
- ii. present limitations on the ability of firefighters to access the location of the fire or trapped occupants,
- iii. inhibit the ability of occupants to access escape routes,
- iv. cause injury and death to occupants and/or firefighters,
- v. increase damage to environment and heritage values.

The FES Commissioner's Operational Requirements are designed to help manage the risk.

5. Resources

Additional DFES water supply information for building owners, authorities having jurisdiction and fire safety practitioners is available in DFES technical notes and operational requirement documents:

<https://www.dfes.wa.gov.au/regulationandcompliance/buildingplanassessment/pages/publications.aspx>

6. References

AS 2419.1 Fire hydrant installations system design, installation and commissioning, Standards Australia, Strathfield, NSW, Australia.

DFES Enterprise Risk Management Procedure (2018) Version1, Enterprise Risk.

Grimwood, P. and Sanderson, I. (2014), *Glasgow Caledonian University: Research into firefighting water flow-rates at 5,401 UK building fires 2009=2012*, International Fire Professional, October 2014.

National Construction Code Series (as amended) Volume One Building Code of Australia 'Class 2 to 9 Buildings', Australian Building Codes Board, ACT, Australia.



DFES Built Environment Branch Guideline (GL) 06

Revised: 2017
Valid: 2019
Authorised: Manager Built Environment Branch

GL-06: ACCEPTABLE SOURCES OF WATER SUPPLY FOR FIRE HYDRANT/SPRINKLER SYSTEMS. (BORES, DAMS, RIVERS, LAKES AND SEAWATER)

PURPOSE:

To highlight the important issues, related to acceptable sources of water supply for fire hydrant and fire sprinkler systems and to provide guidance when submitting building plan applications to the DFES for assessment.

INTRODUCTION:

Information is contained in AS 2419 Section 4 – Water Supplies, AS 2941 and AS 2118 regarding the use of acceptable water supplies suitable for firefighting purposes, however this guideline will provide additional assistance when preparing proposals for consideration by DFES. This document is a guide and shall not be used to create precedent for future projects. Notwithstanding this, **each project will be assessed on a case-by-case basis.**

COMMENT:

The information contained in AS 2419 relating to the acceptability of certain water supplies must be supported by documentation that demonstrates a level of reliability that can be compared with that of a service provided by a water supply agency. Reference to a Hydrogeology Report is a recognised means of demonstrating an appropriate level of water supply reliability.

1. QUALITY OF WATER

If the water contains dissolved or suspended matter likely to cause accumulation, pump materials shall be selected with due regard to the quality of water.

Where the water supply is obtained from an open source such as a river, pond or wet pit, a compatible, corrosion-resistant strainer shall be attached to the suction inlet and shall have a free area **not less than four times the area of the suction entry.**

Individual openings in the strainer shall be not greater than the pump impeller passage width, up to a maximum allowance of 8 mm by 8 mm.

(Appendix ORD: 12.2.3E)

Firefighting water may not be required to be potable under the standards, but it must be of suitable use now and in the future.

Confirmation that the water is free from corrosive, bacterial or other contaminants that may affect the operation of the pump, cause health issues in the future for firefighter or compromise the effective firefighting capabilities of the brigade. Items to consider but not limited to.

- **pH (potential of hydrogen)** both acidity and basicity.
- **Iron Bacteria** contamination
- **Biofouling** the accumulation of microorganisms, plants, algae, or animals on wetted surfaces.
- **Biofilm** an accumulation of by products that can reduce the efficiency of pumps.
- **Effluent** both animal and human.
- **Enterococci** although not harmful themselves, they can indicate a possible presence of harmful microorganisms such as bacteria, viruses and protozoa.
- **Escherichia Coli** or E. Coli for short infection causing bacteria
- **Amoebae** wide range of single celled animal which may cause infection
- **Surface litter** both natural and man made



Biofouling



Biofilm



Iron Bacteria

2. BORES - Reliability of Supply

Bores are no longer considered acceptable **primary** water supplies for fixed fire protection installation pumpset systems and should not be used.

Bores must be approved by the Local Government before they are installed.

Hydrogeology Report

A hydrogeology report shall be submitted by the Building Surveyor and contain sufficient detail for DFES to assess a proposed or existing bore as a source of water for firefighting purposes. The following information must be included in the report:

- **Capacity** – Verification of the amount of water available from the bore.
 - ◊ The water supply shall be capable of supplying the maximum flow requirements

Please note: This is a controlled document.

(Appendix ORD: 12.2.3E)

for the duration required by AS 2419 or AS 2118. This capacity must be available all year round.

- **Neighbouring Bores** - Neighbouring bores can interfere with the water level of the proposed bore.
 - ◇ Ensure that the submitted hydrogeology report identifies any potential problem(s) from neighbouring bores.

Pumps

- Pumping to tanks - bore pump do not provide direct firefighting flow and pressure and are only intended to fill water storage tanks to the **full** capacity,
 - ◇ The full capacity for fire hydrant systems is a minimum of 4 hours and for fire sprinklers as nominated within AS 2118 in accordance with the relevant sprinkler system hazard classification.
 - ◇ Pumps downstream of the fire tank which provide firefighting pressures and flows shall comply fully with the requirements of AS 2419, AS 2118 and AS 2941.
 - ◇ A bore is not considered to be a reticulated water supply; therefore, a duty and stand-by pump must be provided as per Clause 6.2 of AS 2419.1 (or as amended).

(DFES interpretation of a reticulated water supply is a water supply from the Water Corporation (or other water utility) main, either connected directly to the hydrant installation or to a water tank(s) that will provide the required flow at a minimum 200kPa.)

- ◇ When used in conjunction with a sprinkler system, the number of pumps required will depend on the grade of water supply in accordance with BCA Specification E1.5 and AS 2118.1, Section 4 – Water supplies.
- ◇ ALL pumps referred to above, shall be maintained in accordance with the requirements of AS 1851 (or as amended).
- ◇ Refer to AS 2941 - Section 2 Water Supplies and Appendix B for additional requirements.

(Appendix ORD: 12.2.3E)

SUMMARY REQUIREMENTS (for BORES):

1. *The reliability of bore water must consider the capacity of the bore, water quality and the effects of neighbouring bores. These aspects must be addressed by submission of a hydrogeology report.*

Note: Suitable connections and vehicle hardstand shall be provided in accordance with Guideline 11, AS2419 and DFES requirements.

3. *Power supply to the pumps must be proven to be reliable and all pumps must be maintained to AS1851.*

3. PRIVATE DAMS

Hydrogeology Report

A hydrogeology report shall be submitted by the building Certifier and contain sufficient detail for DFES to make an assessment of the proposed or existing dam as a source of water for firefighting purposes.

The following information must be included in the report.

- The water storage capacity of the dam (including the lowest mean level from a 25 year history)
- Likely rainfall and run-off.
- Other sources of infill (if any)
- Any domestic or commercial use throughout the year (if applicable)
- The minimum water supply capacity available for firefighting purposes.
- Estimated evaporation from the dam.
- Water quality
- Details of dam construction
- Water and Rivers Commission Licensing (when applicable)
- All dams to comply with the Australian Engineering standards for 'Small Earth Wall Dams' (when applicable)

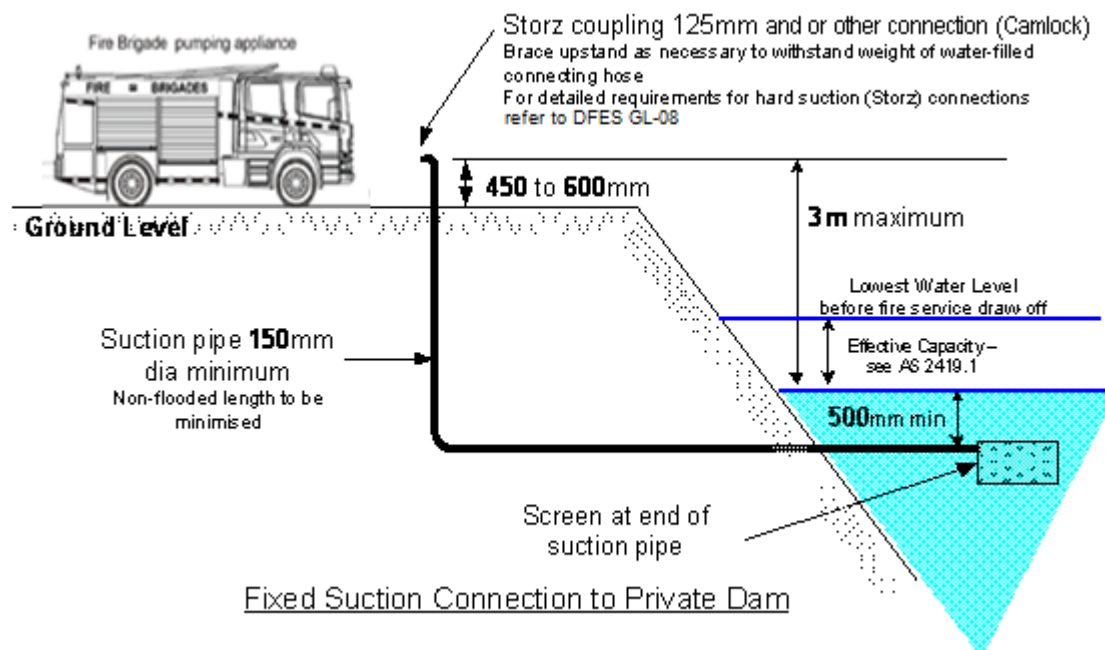
Note: The water storage and run-off area must be on the building lot under consideration and under the direct control of the building owner.

Hard Standing

- Hard standing must be provided to the summer low water line so that DFES appliances can draft water from the dam. It may be necessary to provide a suction pit or other means of ensuring that the inlet to the pump does not become fouled.

(Appendix ORD: 12.2.3E)

- The hard standing must be as defined in AS 2419 and DFES Guideline 11 Site Planning and Fire Application Specifications
- A fixed suction point can be installed where it is not possible to provide hard standing to the water's edge. A pipe (as depicted in the diagram below) can be installed with a strainer attached to the submerged end of the pipe, and a Storz coupling 125mm and two 100mm male Camlock connection above ground. However the maximum practical vertical lift must not exceed 3m.
- Refer to DFES Built Environment Branch, Guideline 8 Hard Suction Connection.



Fire Pumps

- Because a static water supply is not considered to be a reticulated water supply, two fire pumps will be required and must comply with the requirements of BCA part E1.3 and AS 2419.1 and AS 2941.

RIVERS, LAKES AND SEAWATER

Generally the same provisions required for 'private dams' also apply to rivers, lakes and seawater however, the following additional guidelines apply:

- Where it is proposed to use rivers, lakes or seawater, there will be a requirement for the Building surveyor or consultant to contact the Department of Water and/or any other Department with regulatory powers over the body of water to be used, for approval as well as forwarding a **hydrogeology report** similar to the requirements for the use of private dams or bore.

(Appendix ORD: 12.2.3E)

- The law relating to the right to surface water is contained in the “Rights to Water and Irrigation Act 1914 (RIWI Act)”, administered by the Department of Water. The RIWI Act defines ‘Riparian Rights’ for those landholders where there is a water course flowing through their property or the property abuts the water-course. In this situation the landholder has the right to take water for specific non-commercial purposes. Taking water in excess of Riparian Rights or for commercial use may require a license. The RIWI Act doesn’t specify the amount that can be taken as a Riparian Right, only the purpose for which it can be used.

(Department of Water – Western Australia. Rights to Water and Irrigation Act 1914. Available www.water.wa.gov.au)

- As for private dams, consideration needs to be given to the domestic and or commercial connection from the water source. Unlike dams, which are usually singularly owned, rivers and lakes may have a number of unrelated users of the water supply.
- A four-hour supply of water dedicated to firefighting must be available all year round for a hydrant service designed in accordance with AS2419 or if a combined system is proposed, a capacity in accordance with the requirements of AS 2118 for sprinklers, whichever is the greater.
- **Galvanic corrosion and electrolysis can be a major problem in firefighting systems using saltwater.**
- The use of seawater for firefighting will require fixtures, fittings and pump components that will not be adversely affected by corrosion through saltwater. Possibly high quality, stainless steel fittings should be used.
- The storage of seawater is not recommended as over time with the temperatures experienced in Western Australia, the seawater decomposes and the salinity increases.
- Seawater may also contain microscopic organisms that grow or multiple over time.

System designers and consultants are advised to liaise with DFES to ascertain any specific Fire Service requirements when considering the use of sea water for firefighting.

DFES will assess these proposals on a case by case basis and may not support if any other water source is available.

(Appendix ORD: 12.2.3E)

SUMMARY REQUIREMENTS for DAMS, RIVERS, LAKES and SEAWATER

1. A hydrogeology report is to be submitted addressing the reliability of water supplies.
2. Dams, rivers, lakes and seawater are not considered a 'reticulated water supply' therefore a fire hydrant installation will require two pumps installed to the requirements of AS 2419.1 and AS 2941.
3. Provision must be made for hard standing suitable for DFES pumping appliances to access the water supply.
4. Department of Water and/or other regulatory departments, approval must be obtained for using RIVERS or LAKES.
5. Use of seawater will require the use of fittings and pump components considered suitable to avoid corrosion of the firefighting system. Possibly stainless steel.
6. The build of silt and debris in Dams, Rivers, Lakes and the Ocean needs to be considered as to not foul the suction inlet strainer or suction intake pipework.
7. The buildup of surface litter both natural and manmade needs to be considered as to not foul the suction inlet strainer or suction intake pipework.
8. The facility to allow attending fire brigades to flush their equipment with fresh potable water.

REFERENCES:

Australian Standard 2118.1	- Automatic Fire Sprinkler Systems
Australian Standard 2419.1	- Fire hydrant installations
Australian Standard 2941	- Fixed fire protection installations - Pump set systems
Building Code of Australia	- National Construction Code (BCA) Volume 1
Department of Environment & Conservation (WA)	- Minimum Construction Requirements for
Department of Health	- Water Bores in Australia
Department of Water (WA)	- Bore Water
Department of Transport	- Rights to Water and Irrigation Act 1914
Department	- Marine and Harbours Act

APPLICABLE LEGISLATION:

Building Act 2011
Building Regulations 2012 (as amended)

Please note: This is a controlled document. DFES guidelines are available on the DFES Website: www.dfes.wa.gov.au under Regulation and Compliance, Building Plan Assessment then click on Publications/Guidelines.

Should the information provided in this guideline require further clarification, please contact DFES Built Environment Branch via email beadmin@dfes.wa.gov.au

Disclaimer

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Contact us

(Appendix ORD: 12.2.3E)

Department of Fire and Emergency Services
Emergency Services Complex
20 Stockton Bend, Cockburn Central WA 6164
PO Box P1174 Perth WA 6844
Email: bebadmin@dfes.wa.gov.au
Web: www.dfes.wa.gov.au



Chief Executive Officer
Shire of Dardanup
Sent by Email — submissions@dardanup.wa.gov.au
PO Box 7016, Eaton, WA, 6232

Attention: Enter Attention (optional)

Dear Sir/Madam

**SHIRE OF DARDANUP REQUEST FOR COMMENT ON DEVELOPMENT
ASSESSMENT PANEL APPLICATION FOR WASTE CELLS 9, 10, AND 12A AT THE
CLEANAWAY LANDFILL FACILITY, LOT 2 BANKSIA ROAD, CROOKED BROOK.**

Thank you for your letter dated 20 August 2021 inviting comment on the above proposal for development of Waste Cells 9, 10, and 12A at the Cleanaway Landfill Facility, Lot 2 Banksia Road, Crooked Brook.

The Department of Mines, Industry Regulation and Safety (DMIRS) has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.

Yours sincerely

Joshua Guilliamse
Senior Geologist — Land Use Planning
Minerals and Petroleum Resources Directorate

30/09/2021



Department of
**Primary Industries and
Regional Development**

Your reference: DAP-F0211219
Our reference: LUP 1160
Enquiries: Leon van Wyk

Cecilia Muller
Principal Planning Officer
Shire of Dardanup
PO Box 7016
EATON WA, 6232
submissions@dardanup.wa.gov.au

29 September 2021

Dear Cecilia

COMMENT: Notice of Development Assessment Panel Application for Waste Cells 9, 10 and 12A at the Cleanaway Landfil Facility at Lot 2 Banksia Road, Crooked Brook

Thank you for the opportunity to comment on the application for Waste Cells 9, 10 and 12A at Lot 2 Banksia Road (Cleanaway Landfil Facility), Crooked Brook.

The Department of Primary Industries and Regional Development does not object to the construction and filling of three additional waste cells at the abovementioned lot as this is in line with the current site approval that allows for the operation of a waste disposal facility.

If you have any queries regarding the comments, please contact Leon van Wyk at (08) 9780 6171 or leon.vanwyk@dpird.wa.gov.au.

Yours sincerely

A handwritten signature in blue ink that reads 'Melanie Strawbridge'.

Dr Melanie Strawbridge
**Director Agriculture Resource Management Assessment
Sustainability and Biosecurity**



Shire of Dardanup
PO Box 7016
EATON WA 6232

Via email to: cecilia.muller@dardanup.wa.gov.au

Dear Cecilia Muller

CLEANAWAY WASTE FACILITY – LOT 2 BANKSIA ROAD, CROOKED BROOK

I refer to the email from the Shire dated 18 August 2021, requesting the Department of Planning, Lands and Heritage (DPLH) comment on an application for development approval for new waste cells 9, 10 and 12A at the Cleanaway Waste Facility.

Greater Bunbury Region Scheme

Lot 2 Banksia Road, Crooked Brook is zoned Rural and located adjacent to a Regional Open Space Reserve and also within the Strategic Minerals and Basic Raw Materials Resource Policy area under the Greater Bunbury Region Scheme (GBRS).

Under Clause 24 of the GBRS, a person must not commence or carry out development of a kind or class specified in a resolution made by the Commission under Clause 27, unless that person has planning approval.

Under Clause 27 of the GBRS there are a number of scenarios under which a development application is required. This application has been assessed in accordance with the provisions of the GBRS, and in particular with reference to the Notice of Resolution made under Clause 27, *Schedule 1*. Below listed are the applicable GBRS application triggers and the Department's opinion in relation to each:

- 2. Land abutting a Regional Open Space Reservation - The exclusions in this clause are not applicable and a GBRS application will be required.
- 7. Development in the Strategic Minerals and Basic Raw Materials Resource Policy Area - The proposed operations are existing (subject to expansion) and considered to be compatible with the purposes of this policy and a GBRS application is not required under this clause.
- 10. Development in the rural zone - The waste facility is not inconsistent with the purpose of the Rural Zone as defined in the GBRS and a GBRS application is not required under this clause.

Schedule 2 of Delegation 2014/01 outlines that determination of GBRS applications on zoned land abutting regional open space reservations are delegated to the local government where:

- (a) *Development where the local government accepts the recommendation and any advice of the Department of Planning.*

(Appendix ORD: 12.2.3E)

(b) *Development for which the local government decides to refuse approval under the GBRS.*

In relation to the application, the Department of Planning, Lands and Heritage provides the following advice:

- The subject lot is further identified as being partly bushfire prone, therefore additional planning and building requirements may apply to the development in accordance with *State Planning Policy No.3.7 - Planning in Bushfire Prone Areas*.
- Prior to determination of the application, consultation should occur with the following government agencies :
 - Department of Biodiversity, Conservation and Attractions;
 - Department of Water and Environmental Regulation;
 - Department of Primary Industries and Regional Development; and
 - Department of Mines, Industry Regulation and Safety.

No internal referral

Please note the proposed development has been reviewed in regard to other DPLH functions and no further internal referrals have been undertaken at this time.

Should you have any further queries please contact Scott Penfold on 9791 0577.

Yours sincerely



David Brash
Principal Planning Officer
South West Regions

02 September 2021

cc: Department of Biodiversity, Conservation and Attractions
Department of Water and Environmental Regulation
Department of Primary Industries and Regional Development
Department of Mines, Industry Regulation and Safety

(Appendix ORD: 12.2.3E)

From: [Brendan Kelly](#)
To: [Submissions Planning](#)
Cc: [Cecilia Muller](#); [Stephen Checker](#)
Subject: Proposed New Waste Cells 9, 10 and 12A, Lot 2 Banksia Road, Crooked Brook
Date: Tuesday, 7 September 2021 12:42:22 PM

6 September 2021

Our Reference: PA044199, DWERT9949~7

Your Reference: DAP-F0211219

To: Shire of Dardanup

From: Department of Water and Environmental Regulation

cc: Steve Checker - Regulatory Services, Department of Water and Environmental Regulation

Attention: Cecelia Muller

RE: Development Assessment Panel Application -

Dear Cecelia,

Thank you for providing this Development Assessment Panel Application (DAP Application) to the Department of Water and Environmental Regulation (Department) for consideration. The proposal is for the construction, development and filling of three new waste cells, consisting of cells 9, 10 and 12A at the existing Cleanaway landfill facility at Lot 2 Banksia Road, Crooked Brook. The waste cells are proposed to be filled with Class III landfill and includes the relocation of existing infrastructure.

Further to our telephone discussion today, I can advise that the Department has received an application for this proposal, with similar supporting information, under Schedule 1 of the 'Environmental Protection Regulations 1987' (EP Regulations). That application is on hold, as the Environmental Protection Authority (EPA) has determined to assess the proposal Under Part IV of the 'Environmental Protection Act 1986' (EP Act). As such, the Department will not progress its assessment until the Pt IV process has been finalised. Should you require any further information on the situation please contact Brendan Kelly on 97264194.

Brendan Kelly

Senior Natural Resource Management Officer

Department of Water & Environmental Regulation,

Planning Advice, South West Region

Telephone: 08 97264194 | Mobile: 0407219515

Email: brendan.kelly@dwer.wa.gov.au

Work days are Tuesday, Wednesday, Thursday, however I am available on the mobile most times.

(Appendix ORD: 12.2.3E)

From: [Suzanne Occhipinti](#)
To: [Cecilia Muller](#)
Subject: Submission - MRWA - application for waste cells 9, 10 & 12A at Lot 2 Banksia Rd Crooked
Date: Tuesday, 7 September 2021 4:25:48 PM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.gif](#)
[image007.gif](#)
[D21#835677 Development assessment panel application for waste cells 9, 10 & 12A at Lot 2 Banksia Rd Crooked ~ comments sought by 1 October 2021\(2\).PDF](#)
[image014.jpg](#)

From: DAVIES Paul (Con) <paul.davies@mainroads.wa.gov.au>
Sent: Tuesday, 7 September 2021 11:56 AM
To: Submissions Planning <Submissions@dardanup.wa.gov.au>
Cc: NAUDE Daniel (RCPM) <Daniel.Naude@mainroads.wa.gov.au>
Subject: Development assessment panel application for waste cells 9, 10 & 12A at Lot 2 Banksia Rd Crooked ~ comments sought by 1 October 2021(2).PDF

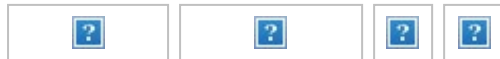
Hi Cecilia

I refer to your correspondence of 20 August 2021 and advise that Main Roads has no objection to the proposed development.

If you have any queries please phone Daniel Naude

Regards Paul Davies

For Daniel Naude
ROAD CORRIDOR PLANNING MANAGER
Metropolitan and Southern Regions / South West
p: +61 9724 5724 | **m:** +61 4189 31078
w: www.mainroads.wa.gov.au



(Appendix ORD: 12.2.3E)

From: [Charles Sabato](#)
To: [Submissions Planning](#)
Subject: Shire of Dardanup - Cleanaway DAP Application - DAP-F0211219
Date: Monday, 30 August 2021 12:40:11 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)
[DarWWTP.pdf](#)

Thank you for your letter dated August 20, 2021 regarding the above development application. The Corporation offers the following comments.

Dardanup Wastewater Treatment Plant Buffer

The development is within close proximity to the Dardanup Wastewater Treatment Plant and partially within the prescribed odour buffer (see plan).

Under normal operating conditions there will be some odour emanating from the treatment plant, however, during maintenance and abnormal operating or weather conditions, an increased level of odour may occur that will be of nuisance to persons within the odour buffer area. The enclosed plan shows the location of the pump station and the odour buffer around the treatment plant. Only compatible land use should be developed within the buffer.

Please contact me if you have any further concerns.

Kind Regards,

Chas Sabato

Senior Planner - Land Planning

Development Services

Available Monday, Tuesday & Thursday

E Charles.Sabato@watercorporation.com.au

T (08) 9420 2105

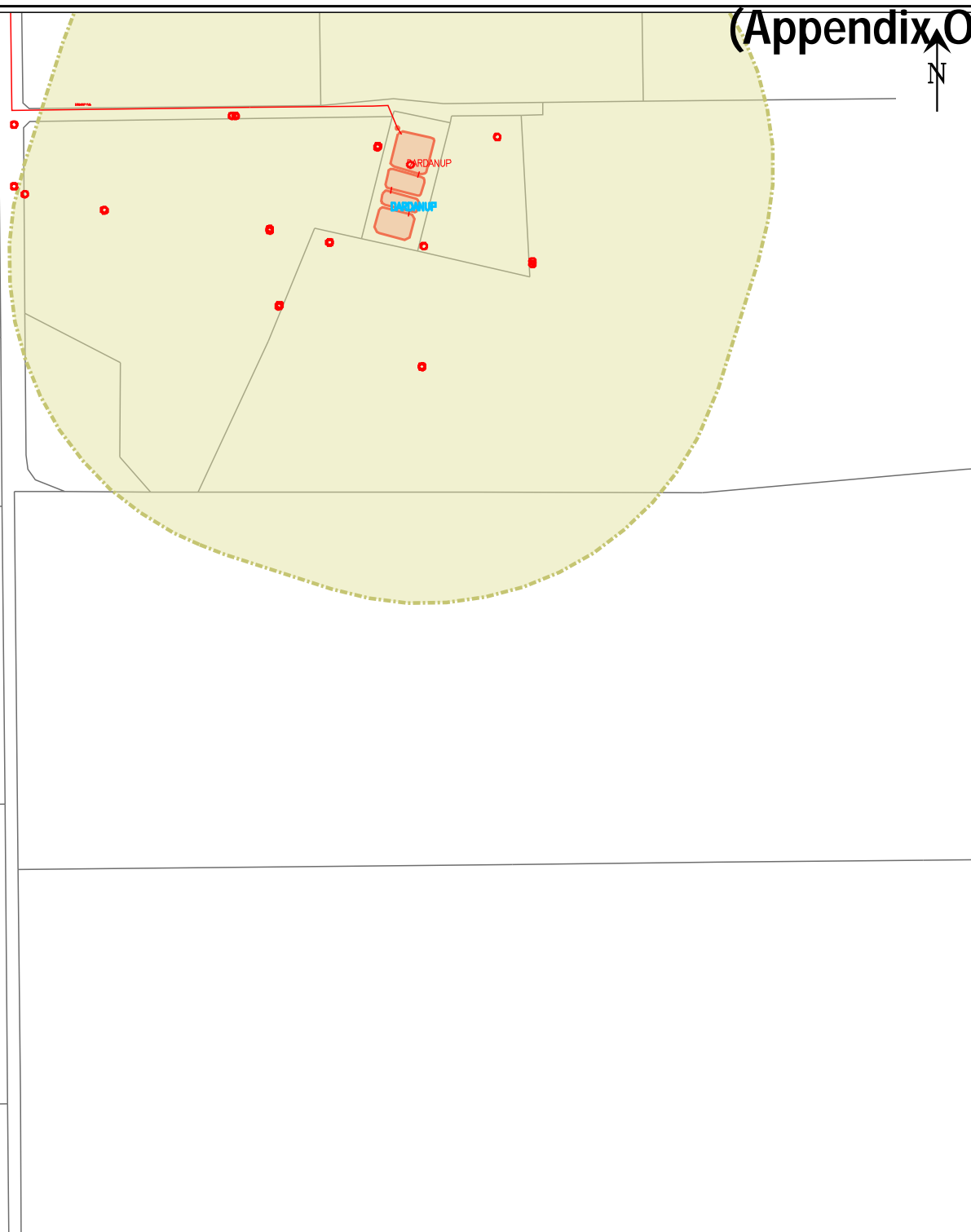
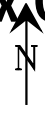


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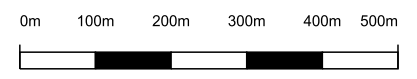
(Appendix ORD: 12.2.3E)



- Road Casement.Lodged Location - S- surveyed
- Parcel Edge.Lodged Location - S- surveyed
- Abc Def Sewer Gravity Manhole.Info Text 5000
- Sewer Gravity Manhole.*****Symbol***** - 2
- Sewer Gravity Pipe.-----CENTRELINE----- 1
- Sewer Pressure Main.-----CENTRELINE----- 1
- Abc Def Sewer Pressure Main Name Annotation.Text
- Abc Def Sewer Treatment Plant.Name Text
- ◇ Sewer Treatment Plant.Symbol
- Sewer Observation Bore.Symbol
- ▭ Wastewater Treatment Pond.Coverage
- ▭ Buffer Area.Coverage - 1
- Abc Def Buffer Area.Name Text
- ▭ Boundaries - Local Authority.Coverage

Print Date: 30/08/2021 10:51:56

Scale 1:10000



Projection: MGA Zone 50 (m)

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(Appendix ORD: 12.2.3F)

RISK ASSESSMENT TOOL

OVERALL RISK EVENT: JDAP Development Application for Landfill Waste Cells – Lot 2 Banksia Road, Crooked Brook

RISK THEME PROFILE:

7 - Environment Management

RISK ASSESSMENT CONTEXT: Strategic

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	Recommending approval in the absence of environmental matters being assessed by the EPA	Moderate (3)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.

(Appendix ORD: 12.2.4)

RISK ASSESSMENT TOOL

OVERALL RISK EVENT: Unbudgeted Income and Expenditure: Summer in Your Park

RISK THEME PROFILE:

10 - Management of Facilities, Venues and Events

RISK ASSESSMENT CONTEXT: Project

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	Failure to accept income and expenditure will result in reduced scale of event.	Minor (2)	Unlikely (2)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	Inability to meet terms of sponsorship.	Moderate (3)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Community and food truck operator perceptions of alignment to LiveLigher messaging and conditions	Moderate (3)	Unlikely (2)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.

